

therewith, by virtue of, or pursuant to, the said license, as amended, shall not be affected, waived, or suspended hereby; and

3. That the market administrator, or his successor in office, designated in accordance with the provisions of the license, shall have the power and authority

(a) to collect any and all of the moneys due to the market administrator under the terms and provisions of the said license, as amended;

(b) to distribute, in accordance with the terms of said license, as amended, any moneys heretofore or hereafter collected in connection with the provisions of the said license, as amended; and

(c) to have and exercise all of the powers and authority vested in the market administrator, under the terms and provisions of the said license, as amended, which may be necessary or proper to carry out the foregoing purposes.

In witness whereof, H. A. Wallace, Secretary of Agriculture of the United States of America, has executed this order of suspension in duplicate, and has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 23rd day of April 1936.

[SEAL]

H. A. WALLACE,  
Secretary of Agriculture.

[F. R. Doc. 410—Filed, April 24, 1936; 12:19 p. m.]

## INTERSTATE COMMERCE COMMISSION.

[Ex Parte No. 115]

### INCREASES IN FREIGHT RATES AND CHARGES, 1935

APRIL 23, 1936.

#### Notice to all Concerned:

The hearings in the above-entitled proceeding will be concluded on or about April 27, 1936. Briefs may be served and filed not later than May 15, 1936. Parties filing briefs are directed to send 30 copies to the Interstate Commerce Commission for its use and for that of the cooperative committee of State commissioners, and 25 copies to R. V. Fletcher, Transportation Building, Washington, D. C., for use of the applicants' counsel. No other service of briefs will be required, but shippers or others desiring briefs of other shippers may make requests directly on the latter for such briefs. Parties desiring copies of the applicants' brief should make request of R. V. Fletcher at the address shown above. In this manner it is hoped that needless expense on the part of those filing briefs may be avoided.

Reply briefs may be filed not later than May 28, 1936, and should be served on counsel whose briefs are thus replied to. The proceeding will thereupon stand as submitted.

The attention of the parties is directed to rule XXI of the Rules of Practice, which specifies the form and style in which briefs should be prepared. Particular attention is called to the requirement in rule XIV (a) of the Rules of Practice that each brief should contain an abstract of the evidence relied on by the party filing the brief with references to the pages of the record or exhibit where the evidence appears. Adequate compliance with the rule as to abstracting testimony will greatly facilitate consideration of the large record herein.

This proceeding has been assigned for oral argument before the Commission at its office in Washington, D. C., beginning at 10 o'clock a. m., eastern standard time, May 20, 1936. Counsel seeking an allotment of time should make written request therefor addressed to the Commission, which should reach the Commission not later than May 11, 1936. So far as possible to do so, parties having common interests should consolidate their oral arguments and briefs so as to avoid duplication and dilution of the time available.

By the Commission.

[SEAL]

GEORGE B. MCGINTY, Secretary.

[F. R. Doc. 407—Filed, April 24, 1936; 11:46 a. m.]

Vol. I—pt. 1—37—18

Tuesday, April 28, 1936

No. 32

## PRESIDENT OF THE UNITED STATES.

### EXECUTIVE ORDER

EXCLUDING CERTAIN TRACTS OF LAND FROM TONGASS NATIONAL FOREST AND RESTORING THEM TO ENTRY

#### Alaska

By virtue of and pursuant to the authority vested in me by the act of June 4, 1897, 30 Stat. 11, 36 (16 U. S. C., sec. 473), and upon the recommendation of the Secretary of Agriculture, it is ordered that the following-described tracts of land in Alaska, occupied as homesites and identified by elimination surveys, plats and field notes of which are on file in the General Land Office, Washington, D. C., be, and they are hereby, excluded from the Tongass National Forest and restored to entry under the applicable public-land laws:

Homesite No. 136, lot I, Mud Bay group, east shore of Tongass Narros, Revillagigedo Island, 4.77 acres; approximate latitude 55°25' N., longitude 131°46' W.

Homesite No. 138, lot H, Mud Bay group, east shore of Tongass Narros, Revillagigedo Island, 4.98 acres; approximate latitude 55°24'30" N., longitude 131°46' W.

Homesite No. 145, lot D, Auke Lake group, Glacier Highway, on Auke Lake, 4.73 acres; approximate latitude 58°22'30" N., longitude 134°37'35" W.

Homesite No. 151, on the shore of the second bight north of Thoms Place Bay, Zimovia Strait, Wrangell Island, 4.03 acres; approximate latitude 56°10'50" N., longitude 132°10'30" W.

Homesite No. 210, lot C, Wrangell Island group, Zimovia Strait, near town of Wrangell, 4.80 acres; approximate latitude 56°26'36" N., longitude 132°22'39" W.

Homesite No. 263, lot A, Camp Island, Le Conte Bay, 4.94 acres; approximate latitude 56°44' N., longitude 132°33'55" W.

Homesite No. 322, north shore of Tenakee Inlet, Chichagof Island, 4.80 acres; approximate latitude 57°47'29" N., longitude 135°14'30" W.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,  
April 23, 1936.

[No. 7352]

[F. R. Doc. 421—Filed, April 24, 1936; 2:45 p. m.]

### EXECUTIVE ORDER

EXCLUDING A CERTAIN TRACT OF LAND FROM CHUGACH NATIONAL FOREST AND RESTORING IT TO ENTRY

#### Alaska

By virtue of and pursuant to the authority vested in me by the act of June 4, 1897, 30 Stat. 11, 36 (16 U. S. C., sec. 473), and upon the recommendation of the Secretary of Agriculture, it is ordered that the following-described tract of land in Alaska, occupied as a homesite and identified by an elimination survey, plat and field notes of which are on file in the General Land Office, Washington, D. C., be, and it is hereby, excluded from the Chugach National Forest and restored to entry under the applicable public-land laws:

Homesite No. 32, near mile post No. 20 and Lakeview Station, Alaska Railroad, 3.30 acres; approximate latitude 60°21'40" N., longitude 149°21'20" W.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,  
April 23, 1936.

[No. 7353]

[F. R. Doc. 423—Filed, April 24, 1936; 2:45 p. m.]

## DEPARTMENT OF AGRICULTURE.

## Agricultural Adjustment Administration.

NER-B-2

Issued April 23, 1936

## 1936 AGRICULTURAL CONSERVATION PROGRAM—NORTHEAST REGION

[Bulletin No. 2]

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, Northeast Region Bulletin No. 1 Revised, is hereby supplemented with respect to its application to the State of \_\_\_\_\_, but not otherwise, as follows:

SECTION 1. In accordance with the provisions of Section 1, Part II, of Northeast Region Bulletin No. 1 Revised, payment will be made, subject to the conditions of the said Northeast Region Bulletin No. 1 Revised, for carrying out in 1936 in the State of \_\_\_\_\_, any of the soil building practices listed herein, upon the conditions and at the rates herein specified.

The soil building practices listed herein shall be carried out in accordance with good farming practice, using such methods and such kinds and quantities of seeds, trees, and other materials as conform to good farming practice.

The State Committee, under supervision of the Director of the Northeast Division of the Agricultural Adjustment Administration, will issue information and advice regarding the manner of carrying out the soil building practices listed herein and as to whether the adoption of any such practice on particular types of farms would or would not constitute good farming practice for such farms.

Payment for any practices set forth herein will not be made in cases where the labor, seed, or other materials are furnished free or paid for by any State or Federal agency.

## SOIL BUILDING PRACTICES—MAINE

## Practice and conditions—Payment per acre

## I. IMPROVING ESTABLISHED GRASSES AND LEGUMES

Applying, between March 1, 1936, and September 1, 1936, not less than the following quantities of the following materials, or their equivalent,<sup>1</sup> per acre on established grasses and legumes on hay land, pasture land, or in orchards:

- 1,000 pounds of ground limestone and 400 pounds of 20 percent superphosphate: \$5.00; or
- 2,000 pounds of ground limestone and 400 pounds of 20 percent superphosphate: \$7.00; or
- 1,000 pounds of ground limestone, 400 pounds of 20 percent superphosphate, 125 pounds of 16 percent nitrate of soda, and 80 pounds of 50 percent muriate of potash: \$6.50; or
- 2,000 pounds of ground limestone, 400 pounds of 20 percent superphosphate, 125 pounds of 16 percent nitrate of soda, and 80 pounds of 50 percent muriate of potash: \$8.50; or
- 1,000 pounds of ground limestone, 400 pounds of 20 percent superphosphate, 250 pounds of 16 percent nitrate of soda, and 160 pounds of 50 percent muriate of potash: \$8.00; or
- 2,000 pounds of ground limestone, 400 pounds of 20 percent superphosphate, 250 pounds of 16 percent nitrate of soda, and 160 pounds of 50 percent muriate of potash: \$10.00.

## II. ESTABLISHING NEW SEEDINGS OF GRASSES AND LEGUMES

Applying, between March 1, 1936, and August 1, 1936, and at or before the time of seeding, not less than the following quantities of the following materials, or their equivalent,<sup>2</sup> per acre on crop or pasture land, and seeding such land before August 1, 1936, to grass and legume mixtures containing at least 40 percent by weight of legume seeds, or to legumes.

When seeding is made without a nurse crop or with oats, barley, or a grain mixture as a nurse crop which is cut green or pastured sufficiently to prevent grain formation:

- Seeding land requiring no treatment: \$2.00; or
- 500 pounds of ground limestone: \$3.00; or
- 1,000 pounds of ground limestone: \$4.00; or
- 2,000 pounds of ground limestone and 250 pounds of 20 percent superphosphate: \$8.00.

<sup>1</sup> Equivalent quantities of other materials may be substituted for ground limestone, 20 percent superphosphate, 16 percent nitrate of soda, or 50 percent muriate of potash: *Provided*, The quantities of the other materials so substituted contain not less than the quantities (by weight) of calcium or magnesium oxide, phosphoric acid, nitrogen, and potash contained in the quantities herein specified of ground limestone, 20 percent superphosphate, 16 percent nitrate of soda, and 50 percent muriate of potash, respectively.

When seeding is made with oats, barley, or a grain mixture as a nurse crop which is allowed to mature as grain:

- Seeding land requiring no treatment: \$1.00; or
- 500 pounds of ground limestone: \$2.00; or
- 1,000 pounds of ground limestone: \$3.00; or
- 2,000 pounds of ground limestone and 250 pounds of 20 percent superphosphate: \$6.00.

## III. GROWING GREEN MANURE CROPS

Plowing or discing under any of the following crops as green manure, between March 1, 1936, and November 1, 1936, after the crop has attained at least two months' growth:

- Rye, oats, barley, buckwheat, annual grasses, mixtures of these, or mixtures of any of these with legumes, seeded between August 15, 1935, and August 15, 1936: \$1.00.
- Soybeans, or field peas, seeded between March 1, 1936, and July 15, 1936: \$1.50.
- Red clover, crimson clover, vetch, or any legume mixture which contains at least 8 pounds of clover seed per acre, seeded between March 1, 1936, and July 15, 1936: \$2.00.
- Any of the crops specified in (3) above, when not less than 500 pounds of ground limestone, or its equivalent,<sup>1</sup> per acre is applied after March 1, 1936, and at or before the time of seeding: \$3.00.
- Any of the crops specified in (3) above, when not less than 1,000 pounds of ground limestone, or its equivalent,<sup>1</sup> per acre is applied after March 1, 1936, and at or before the time of seeding: \$4.00.

## IV. PLANTING FOREST TREES

Planting transplanted forest trees on crop or pasture land between March 1, 1936, and May 15, 1936, or between September 15, 1936, and October 15, 1936: \$5.00.

## V. MULCHING ORCHARDS

Applying not less than 2 tons per acre of mulching material to orchards between March 1, 1936, and November 1, 1936, and, in addition, leaving in the orchard all materials produced therein during this period from interplanted crops: \$2.00.

## SOIL BUILDING PRACTICES—NEW HAMPSHIRE

## Practice and conditions—Payment per acre

## I. IMPROVING ESTABLISHED GRASSES AND LEGUMES

Applying between March 1, 1936, and December 1, 1936, not less than the following quantities of the following materials, or their equivalent,<sup>2</sup> per acre on established grasses and legumes on hay land, pasture land, or in orchards:

- 2,000 pounds of ground limestone: \$4.00; or
- 200 pounds of 16 percent superphosphate, 100 pounds of 16 percent nitrate of soda, and 60 pounds of 50 percent muriate of potash: \$2.00; or
- 2,000 pounds of ground limestone, 200 pounds of 16 percent superphosphate, 100 pounds of 16 percent nitrate of soda, and 60 pounds of 50 percent muriate of potash: \$6.00; or
- 400 pounds of 16 percent superphosphate, 200 pounds of 16 percent nitrate of soda, and 120 pounds of 50 percent muriate of potash: \$4.50; or
- 2,000 pounds of ground limestone, 400 pounds of 16 percent superphosphate, 200 pounds of 16 percent nitrate of soda, and 120 pounds of 50 percent muriate of potash: \$8.50; or
- 500 pounds of 16 percent superphosphate, applied with manure: \$3.00; or
- 2,000 pounds of ground limestone and 500 pounds of 16 percent superphosphate, applied with manure: \$7.00; or
- 400 pounds of 16 percent superphosphate and 120 pounds of 50 percent muriate of potash: \$3.50; or
- 2,000 pounds of ground limestone, 400 pounds of 16 percent superphosphate, and 120 pounds of 50 percent muriate of potash: \$7.50; or
- 125 pounds of 16 percent superphosphate, 125 pounds of 16 percent nitrate of soda, and 40 pounds of 50 percent muriate of potash: \$2.00; or
- 2,000 pounds of ground limestone, 125 pounds of 16 percent superphosphate, 125 pounds of 16 percent nitrate of soda, and 40 pounds of 50 percent muriate of potash: \$6.00.

## II. ESTABLISHING NEW SEEDINGS OF GRASSES AND LEGUMES

Applying, between March 1, 1936, and December 1, 1936, and at or before the time of seeding, not less than the following quantities of the following materials, or their equivalent,<sup>2</sup> per acre on crop or pasture land, and seeding such land before December 1, 1936, to grass and legume mixtures containing at least 40 percent by weight of legume seeds, or to legumes.

<sup>2</sup> Equivalent quantities of other materials may be substituted for ground limestone, 16 percent superphosphate, 16 percent nitrate of soda, or 50 percent muriate of potash: *Provided*, The quantities of the other materials so substituted contain not less than the quantities (by weight) of calcium or magnesium oxide, phosphoric acid, nitrogen, and potash contained in the quantities herein specified of ground limestone, 16 percent superphosphate, 16 percent nitrate of soda, and 50 percent muriate of potash, respectively.

When seeding is made without a nurse crop or with oats, barley, or a grain mixture as a nurse crop which is cut green or pastured sufficiently to prevent grain formation:

1. Seeding land requiring no treatment: \$2.00; or
2. 500 pounds of 16 percent superphosphate: \$5.00; or
3. 2,000 pounds of ground limestone: \$6.00; or
4. 2,000 pounds of ground limestone and 500 pounds of 16 percent superphosphate: \$9.00; or
5. 4,000 pounds of ground limestone and 500 pounds of 16 percent superphosphate: \$13.00; or
6. 5,000 pounds of ground limestone and 500 pounds of 16 percent superphosphate: \$15.00.

When seeding is made with oats, barley, or a grain mixture as a nurse crop which is allowed to mature as grain:

7. Seeding land requiring no treatment: \$1.00; or
8. 600 pounds of 16 percent superphosphate: \$3.50; or
9. 2,000 pounds of ground limestone: \$4.50; or
10. 200 pounds of ground limestone and 500 pounds of 16 percent superphosphate: \$6.50; or
11. 4,000 pounds of ground limestone and 500 pounds of 16 percent superphosphate: \$10.00; or
12. 5,000 pounds of ground limestone and 500 pounds of 16 percent superphosphate: \$12.00.

### III. GROWING GREEN MANURE CROPS

Plowing or discing under any of the following crops as green manure, between March 1, 1936, and November 1, 1936, after the crop has attained at least two months' growth:

1. Rye, oats, barley, sowed corn, annual grasses, mixtures of these, or mixtures of any of these with legumes, seeded between August 15, 1935, and August 15, 1936: \$1.00.
2. Soybeans, or field peas, seeded between March 1, 1936, and August 15, 1936: \$1.50.
3. Red clover, crimson clover, vetch, or any legume mixture which contains at least 8 pounds of clover seed per acre, seeded between March 1, 1936, and August 15, 1936: \$2.00.
4. Any of the crops specified in (3) above, when not less than 500 pounds of ground limestone, or its equivalent,\* per acre is applied after March 1, 1936, and at or before the time of seeding: \$3.00.
5. Any of the crops specified in (3) above, when not less than 1,000 pounds of ground limestone, or its equivalent,\* per acre is applied after March 1, 1936, and at or before the time of seeding: \$4.00.

### IV. PLANTING FOREST TREES

Planting transplanted forest trees on crop or pasture land between March 1, 1936, and November 1, 1936: \$5.00.

### V. MULCHING ORCHARDS

Applying not less than two tons per acre of mulching material to orchards between March 1, 1936, and November 1, 1936, and, in addition, leaving in the orchard all materials produced therein during this period from interplanted crops: \$2.00.

### SOIL BUILDING PRACTICES—VERMONT

#### Practice and conditions—Payment per acre

#### I. IMPROVING ESTABLISHED GRASSES AND LEGUMES

Applying, between March 1, 1936, and November 1, 1936, not less than the following quantities of the following materials, or their equivalent,<sup>2</sup> per acre on established grasses and legumes on hay land, pasture land, or in orchards:

1. 500 pounds of 16 percent superphosphate: \$3.00; or
2. 2,000 pounds of ground limestone: \$4.00; or
3. 2,000 pounds of ground limestone and 500 pounds of 16 percent superphosphate: \$7.00; or
4. 500 pounds of 16 percent superphosphate and 100 pounds of 60 percent muriate of potash: \$4.00; or
5. 2,000 pounds of ground limestone, 500 pounds of 16 percent superphosphate, and 100 pounds of 60 percent muriate of potash: \$8.00; or
6. 200 pounds of 16 percent superphosphate, 100 pounds of 16 percent nitrate of soda, and 50 pounds of 60 percent muriate of potash: \$2.00; or

<sup>2</sup> Equivalent quantities of other materials may be substituted for ground limestone, 16 percent superphosphate, 16 percent nitrate of soda, or 50 percent muriate of potash: *Provided*, The quantities of the other materials so substituted contain not less than the quantities (by weight) of calcium or magnesium oxide, phosphoric acid, nitrogen, and potash contained in the quantities herein specified of ground limestone, 16 percent superphosphate, 16 percent nitrate of soda, and 50 percent muriate of potash, respectively.

<sup>3</sup> Equivalent quantities of other materials may be substituted for ground limestone, 16 percent superphosphate, 16 percent nitrate of soda, or 60 percent muriate of potash: *Provided*, The quantities of the other materials so substituted contain not less than the quantities (by weight) of calcium or magnesium oxide, phosphoric acid, nitrogen, and potash contained in the quantities herein specified of ground limestone, 16 percent superphosphate, 16 percent nitrate of soda, and 60 percent muriate of potash, respectively.

7. 2,000 pounds of ground limestone, 200 pounds of 16 percent superphosphate, 100 pounds of 16 percent nitrate of soda, and 50 pounds of 60 percent muriate of potash: \$6.00.

### II. ESTABLISHING NEW SEEDINGS OF GRASSES AND LEGUMES

Applying, between March 1, 1936, and October 1, 1936, and at or before the time of seeding, not less than the following quantities of the following materials, or their equivalent,<sup>3</sup> per acre on crop or pasture land, and seeding such land before October 1, 1936 to grass and legume mixtures containing at least 40 percent by weight of legume seeds, or to legumes.

When seeding is made without a nurse crop or with oats, barley, or a grain mixture as a nurse crop which is cut green or pastured sufficiently to prevent grain formation:

1. Seeding land requiring no treatment: \$2.00; or
2. 500 pounds of 16 percent superphosphate: \$5.00; or
3. 2,000 pounds of ground limestone: \$6.00; or
4. 2,000 pounds of ground limestone and 500 pounds of 16 percent superphosphate: \$9.00; or
5. 4,000 pounds of ground limestone: \$10.00; or
6. 4,000 pounds of ground limestone and 500 pounds of 16 percent superphosphate: \$13.00; or
7. 500 pounds of 16 percent superphosphate and 100 pounds of 60 percent muriate of potash: \$6.00; or
8. 2,000 pounds of ground limestone, 500 pounds of 16 percent superphosphate, and 100 pounds of 60 percent muriate of potash: \$10.00; or
9. 4,000 pounds of ground limestone, 500 pounds of 16 percent superphosphate, and 100 pounds of 60 percent muriate of potash: \$14.00; or
10. 200 pounds of 16 percent superphosphate, 100 pounds of 16 percent nitrate of soda, and 50 pounds of 60 percent muriate of potash: \$4.00; or
11. 2,000 pounds of ground limestone, 200 pounds of 16 percent superphosphate, 100 pounds of 16 percent nitrate of soda, and 50 pounds of 60 percent muriate of potash: \$8.00; or
12. 4,000 pounds of ground limestone, 200 pounds of 16 percent superphosphate, 100 pounds of 16 percent nitrate of soda, and 50 pounds of 60 percent muriate of potash: \$12.00.

When seeding is made with oats, barley, or a grain mixture as a nurse crop which is allowed to mature as grain:

13. Seeding land requiring no treatment: \$1.00; or
14. 500 pounds of 16 percent superphosphate: \$3.50; or
15. 2,000 pounds of ground limestone: \$4.50; or
16. 2,000 pounds of ground limestone and 500 pounds of 16 percent superphosphate: \$9.50; or
17. 4,000 pounds of ground limestone: \$7.50; or
18. 4,000 pounds of ground limestone and 500 pounds of 16 percent superphosphate: \$10.00; or
19. 500 pounds of 16 percent superphosphate and 100 pounds of 60 percent muriate of potash: \$4.50; or
20. 2,000 pounds of ground limestone, 500 pounds of 16 percent superphosphate, and 100 pounds of 60 percent muriate of potash: \$7.50; or
21. 4,000 pounds of ground limestone, 500 pounds of 16 percent superphosphate, and 100 pounds of 60 percent muriate of potash: \$11.00; or
22. 200 pounds of 16 percent superphosphate, 100 pounds of 16 percent nitrate of soda, and 50 pounds of 60 percent muriate of potash: \$3.00; or
23. 2,000 pounds of ground limestone, 200 pounds of 16 percent superphosphate, 100 pounds of 16 percent nitrate of soda, and 50 pounds of 60 percent muriate of potash: \$6.00; or
24. 4,000 pounds of ground limestone, 200 pounds of 16 percent superphosphate, 100 pounds of 16 percent nitrate of soda, and 50 pounds of 60 percent muriate of potash: \$9.00.

### III. PLANTING FOREST TREES

Planting transplanted forest trees on crop or pasture land between March 1, 1936, and May 10, 1936, or between September 10, 1936 and October 20, 1936: \$5.00.

### IV. MULCHING ORCHARDS

Applying not less than two tons per acre of mulching material to orchards between March 1, 1936 and November 1, 1936, and, in addition, leaving in the orchard all materials produced therein during this period from interplanted crops: \$2.00.

### SOIL BUILDING PRACTICES—MASSACHUSETTS

#### Practice and conditions—Payment per acre

#### I. IMPROVING ESTABLISHED GRASSES AND LEGUMES

Applying, between March 1, 1936, and December 1, 1936, not less than the following quantities of the following materials, or their equivalent,<sup>4</sup> per acre on established grasses and legumes on hay land, pasture land, or in orchards:

<sup>4</sup> Equivalent quantities of other materials may be substituted for ground limestone, 16 percent superphosphate, 16 percent nitrate of soda, or 50 percent muriate of potash: *Provided*, The quantities of the other materials so substituted contain not less than the quantities (by weight) of calcium or magnesium oxide, phosphoric acid, nitrogen, and potash contained in the quantities herein specified of ground limestone, 16 percent superphosphate, 16 percent nitrate of soda, and 50 percent muriate of potash, respectively.

1. 300 pounds of 16 percent superphosphate, 150 pounds of 16 percent nitrate of soda, and 90 pounds of 50 percent muriate of potash: \$3.00; or
2. 200 pounds of 16 percent superphosphate, 250 pounds of 16 percent nitrate of soda, and 70 pounds of 50 percent muriate of potash: \$3.00; or
3. 300 pounds of 16 percent superphosphate, and 150 pounds of 50 percent muriate of potash (this practice is not applicable to pasture land): \$3.00; or
4. 1,000 pounds of ground limestone, 300 pounds of 16 percent superphosphate, 150 pounds of 16 percent nitrate of soda, 90 pounds of 50 percent muriate of potash (this practice is not applicable to hay land): \$4.50 in Area A, \$5.00 in Area B; or
5. 2,000 pounds of ground limestone, 300 pounds of 16 percent superphosphate, 150 pounds of 16 percent nitrate of soda, and 90 pounds of 50 percent muriate of potash (this practice is not applicable to hay land): \$6.00 in Area A, \$7.00 in Area B.

## II. ESTABLISHING NEW SEEDINGS OF GRASSES AND LEGUMES

Applying, between March 1, 1936, and December 1, 1936, and at or before the time of seeding, not less than the following quantities of the following materials, or their equivalent,<sup>4</sup> per acre on crop or pasture land, and seeding such land before December 1, 1936, to grass and legume mixtures containing at least 40 percent by weight of legume seeds, or to legumes.

When seeding is made without a nurse crop or with oats, barley, or a grain mixture as a nurse crop which is cut green or pastured sufficiently to prevent grain formation:

1. 2,000 pounds of ground limestone, and 500 pounds of 16 percent superphosphate, applied with manure: \$8.00 in Area A, \$9.00 in Area B; or
2. 4,000 pounds of ground limestone, and 500 pounds of 16 percent superphosphate, applied with manure: \$11.00 in Area A, \$13.00 in Area B; or
3. 2,000 pounds of ground limestone, 500 pounds of 16 percent superphosphate, 150 pounds of 16 percent nitrate of soda, and 100 pounds of 50 percent muriate of potash: \$9.00 in Area A, \$10.00 in Area B; or
4. 4,000 pounds of ground limestone, 500 pounds of 16 percent superphosphate, 150 pounds of 16 percent nitrate of soda, 100 pounds of 50 percent muriate of potash: \$12.00 in Area A, \$14.00 in Area B; or
5. 4,000 pounds of ground limestone, 600 pounds of 16 percent superphosphate, and 120 pounds of 50 percent muriate of potash (this practice is applicable only to land seeded to alfalfa or to grass and legume mixtures containing at least 40 percent by weight of alfalfa seed): \$12.00 in Area A, \$14.00 in Area B; or
6. 6,000 pounds of ground limestone, 600 pounds of 16 percent superphosphate, and 120 pounds of 50 percent muriate of potash (this practice is applicable only to land seeded to alfalfa or to grass and legume mixtures containing at least 40 percent by weight of alfalfa seed): \$15.00 in Area A, \$18.00 in Area B.

When seeding is made with oats, barley, or a grain mixture as a nurse crop which is allowed to mature as grain:

7. 2,000 pounds of ground limestone, and 500 pounds of 16 percent superphosphate, applied with manure: \$6.00 in Area A, \$6.50 in Area B; or
8. 4,000 pounds of ground limestone, and 500 pounds of 16 percent superphosphate, applied with manure: \$8.50 in Area A, \$10.00 in Area B; or
9. 2,000 pounds of ground limestone, 500 pounds of 16 percent superphosphate, 150 pounds of 16 percent nitrate of soda, and 100 pounds of 50 percent muriate of potash: \$6.50 in Area A, \$7.50 in Area B; or
10. 4,000 pounds of ground limestone, 500 pounds of 16 percent superphosphate, 150 pounds of 16 percent nitrate of soda, and 150 pounds of 16 percent muriate of potash: \$9.00 in Area A, \$11.00 in Area B; or
11. 4,000 pounds of ground limestone, 600 pounds of 16 percent superphosphate, and 120 pounds of 50 percent muriate of potash (this practice is applicable only to land seeded to alfalfa or to grass and legume mixtures containing at least 40 percent by weight of alfalfa seed): \$9.00 in Area A, \$11.00 in Area B; or
12. 6,000 pounds of ground limestone, 600 pounds of 16 percent superphosphate, and 120 pounds of 50 percent muriate of potash (this practice is applicable only to land seeded to alfalfa or to grass and legume mixtures containing at least 40 percent by weight of alfalfa seed): \$12.00 in Area A, \$15.00 in Area B.

<sup>4</sup> Equivalent quantities of other materials may be substituted for ground limestone, 16 percent superphosphate, 16 percent nitrate of soda, or 50 percent muriate of potash: *Provided*, The quantities of the other materials so substituted contain not less than the quantities (by weight) of calcium or magnesium oxide, phosphoric acid, nitrogen, and potash contained in the quantities herein specified of ground limestone, 16 percent superphosphate, 16 percent nitrate of soda, and 50 percent muriate of potash, respectively.

<sup>5</sup> "Area A" includes Berkshire County. "Area B" includes all other counties in the State.

## III. GROWING GREEN MANURE CROPS

Plowing or discing under any of the following crops as green manure, between March 1, 1936, and November 1, 1936, after the crop has attained at least two months' growth:

1. Rye, oats, barley, annual grasses, mixtures of these, or mixtures of any of these with legumes, seeded between August 15, 1935, and August 15, 1936: \$1.00.
2. Soybeans, or field peas, seeded between March 1, 1936, and August 15, 1936: \$1.50.
3. Red clover, crimson clover, vetch, or any legume mixture which contains at least 8 pounds of clover seed per acre, seeded between March 1, 1936, and August 15, 1936: \$2.00.
4. Any of the crops specified in (3) above, when not less than 500 pounds of ground limestone, or its equivalent,<sup>4</sup> per acre is applied after March 1, 1936, and at or before the time of seeding: \$2.75 in Area A, \$3.00 in Area B.
5. Any of the crops specified in (3) above, when not less than 1,000 pounds of ground limestone, or its equivalent,<sup>4</sup> per acre is applied after March 1, 1936, and at or before the time of seeding: \$3.50 in Area A, \$4.00 in Area B.

## IV. PLANTING FOREST TREES

Planting transplanted forest trees on crop or pasture land between March 1, 1936, and November 1, 1936: \$5.00.

## V. MULCHING ORCHARDS

Applying not less than two tons per acre of mulching material to orchards between March 1, 1936, and November 1, 1936, and, in addition, leaving in the orchard all materials produced therein during this period from interplanted crops: \$2.00.

## SOIL BUILDING PRACTICES—RHODE ISLAND

### Practice and conditions—Payment per acre

#### I. IMPROVING ESTABLISHED GRASSES AND LEGUMES

Applying, between March 1, 1936, and December 1, 1936, not less than the following quantities of the following materials, or their equivalent,<sup>4</sup> per acre on established grasses and legumes on hay land, pasture land, or in orchards:

1. 250 pounds of 20 percent superphosphate (this practice is not applicable to pasture land): \$2.00; or
2. 250 pounds of 20 percent superphosphate and 100 pounds of 50 percent muriate of potash (this practice is not applicable to pasture land): \$3.00; or
3. 250 pounds of 20 percent superphosphate, 125 pounds of 16 percent nitrate of soda, and 100 pounds of 50 percent muriate of potash (this practice is not applicable to pasture land or orchards): \$3.50; or
4. 1,500 pounds of ground limestone and 250 pounds of 20 percent superphosphate (this practice is not applicable to hay land): \$5.00; or
5. 1,500 pounds of ground limestone, 250 pounds of 20 percent superphosphate, and 50 pounds of 50 percent muriate of potash (this practice is not applicable to hay land or orchards): \$5.50; or
6. 1,500 pounds of ground limestone, 250 pounds of 20 percent superphosphate, and 100 pounds of 50 percent muriate of potash (this practice is not applicable to hay land): \$6.00; or
7. 1,500 pounds of ground limestone, 250 pounds of 20 percent superphosphate, 200 pounds of 16 percent nitrate of soda, and 100 pounds of 50 percent muriate of potash (this practice is not applicable to hay land or orchards): \$7.00.

#### II. ESTABLISHING NEW SEEDINGS OF GRASSES AND LEGUMES

Applying, between March 1, 1936, and June 1, 1936, and at or before the time of seeding, not less than the following quantities of the following materials, or their equivalent,<sup>4</sup> per acre on crop or pasture land, and seeding such land before June 1, 1936, to grass and legume mixtures containing at least 40 percent by weight of legume seeds, or to legumes.

When seeding is made without a nurse crop or with oats, barley, or a grain mixture as a nurse crop which is cut green or pastured sufficiently to prevent grain formation:

1. 1,000 pounds of ground limestone and 250 pounds of 20 percent superphosphate (this practice is not applicable to pasture land): \$6.00; or
2. 2,000 pounds of ground limestone and 250 pounds of 20 percent superphosphate: \$8.00; or
3. 2,000 pounds of ground limestone, 250 pounds of 20 percent superphosphate, and 50 pounds of 50 percent muriate of potash (this practice is not applicable to hay land): \$8.50; or
4. 3,000 pounds of ground limestone and 250 pounds of 20 percent superphosphate (this practice is not applicable to pasture land): \$10.00; or

<sup>4</sup> Equivalent quantities of other materials may be substituted for ground limestone, 20 percent superphosphate, 16 percent nitrate of soda, or 50 percent muriate of potash: *Provided*, The quantities of the other materials so substituted contain not less than the quantities (by weight) of calcium or magnesium oxide, phosphoric acid, nitrogen, and potash contained in the quantities herein specified of ground limestone, 20 percent superphosphate, 16 percent nitrate of soda, and 50 percent muriate of potash, respectively.

5. 3,000 pounds of ground limestone, 250 pounds of 20 percent superphosphate, and 100 pounds of 50 percent muriate of potash: \$11.00; or
6. 3,000 pounds of ground limestone, 250 pounds of 20 percent superphosphate, 200 pounds of 16 percent nitrate of soda, and 100 pounds of 50 percent muriate of potash (this practice is not applicable to hay land): \$12.00.

When seeding is made with oats, barley, or a grain mixture as a nurse crop which is allowed to mature as grain:

7. 1,000 pounds of ground limestone and 250 pounds of 20 percent superphosphate (this practice is not applicable to pasture land): \$4.50; or
8. 2,000 pounds of ground limestone and 250 pounds of 20 percent superphosphate: \$6.00; or
9. 2,000 pounds of ground limestone, 250 pounds of 20 percent superphosphate, and 50 pounds of 50 percent muriate of potash (this practice is not applicable to hay land): \$6.50; or
10. 3,000 pounds of ground limestone and 250 pounds of 20 percent superphosphate (this practice is not applicable to hay land): \$7.50; or
11. 3,000 pounds of ground limestone, 250 pounds of 20 percent superphosphate, and 100 pounds of 50 percent muriate of potash: \$8.50; or
12. 3,000 pounds of ground limestone, 250 pounds of 20 percent superphosphate, 200 pounds of 16 percent nitrate of soda, and 100 pounds of 50 percent muriate of potash (this practice is not applicable to hay land): \$9.00.

#### III. ESTABLISHING NEW SEEDINGS OF GRASSES

Applying, between July 1, 1936, and September 20, 1936, and at or before the time of seeding, not less than the following quantities of the following materials, or their equivalent,\* per acre on crop or pasture land, and seeding such land before September 20, 1936, to grass.

When seeding is made without a nurse crop or with oats, barley, or a grain mixture as a nurse crop which is cut green or pastured sufficiently to prevent grain formation:

1. 2,000 pounds of ground limestone, and 250 pounds of 20 percent superphosphate: \$7.00; or
2. 2,000 pounds of ground limestone, 250 pounds of 20 percent superphosphate, and 50 pounds of 50 percent muriate of potash (this practice is not applicable to hay land): \$7.50; or
3. 3,000 pounds of ground limestone, and 250 pounds of 20 percent superphosphate (this practice is not applicable to pasture land): \$9.00; or
4. 3,000 pounds of ground limestone, 250 pounds of 20 percent superphosphate, and 50 pounds of 50 percent muriate of potash (this practice is not applicable to pasture land): \$9.50; or
5. 3,000 pounds of ground limestone, 250 pounds of 20 percent superphosphate, and 100 pounds of 50 percent muriate of potash: \$10.00; or
6. 3,000 pounds of ground limestone, 250 pounds of 20 percent superphosphate, 200 pounds of 16 percent nitrate of soda, and 100 pounds of 50 percent muriate of potash (this practice is not applicable to hay land): \$11.00.

When seeding is made with oats, barley, or a grain mixture as a nurse crop which is allowed to mature as grain:

7. 2,000 pounds of ground limestone, and 250 pounds of 20 percent superphosphate: \$5.00; or
8. 2,000 pounds of ground limestone, 250 pounds of 20 percent superphosphate, and 50 pounds of 50 percent muriate of potash (this practice is not applicable to hay land): \$5.50; or
9. 3,000 pounds of ground limestone, and 250 pounds of 20 percent superphosphate (this practice is not applicable to pasture land): \$6.50; or
10. 3,000 pounds of ground limestone, 250 pounds of 20 percent superphosphate, and 50 pounds of 50 percent muriate of potash (this practice is not applicable to pasture land): \$7.00; or
11. 3,000 pounds of ground limestone, 250 pounds of 20 percent superphosphate, and 100 pounds of 50 percent muriate of potash: \$7.50; or
12. 3,000 pounds of ground limestone, 250 pounds of 20 percent superphosphate, 200 pounds of 16 percent nitrate of soda, and 100 pounds of 50 percent muriate of potash (this practice is not applicable to hay land): \$8.50.

#### IV. GROWING GREEN MANURE CROPS

Plowing or discing under any of the following crops as green manure, between March 1, 1936, and November 1, 1936, after the crop has attained at least two months' growth:

1. Rye, oats, barley, buckwheat, sowed corn, annual grasses, mixtures of these, or mixtures of any of these with

\*Equivalent quantities of other materials may be substituted for ground limestone, 20 percent superphosphate, 16 percent nitrate of soda, or 50 percent muriate of potash: *Provided*, The quantities of the other materials so substituted contain not less than the quantities (by weight) of calcium or magnesium oxide, phosphoric acid, nitrogen, and potash contained in the quantities herein specified of ground limestone, 20 percent superphosphate, 16 percent nitrate of soda, and 50 percent muriate of potash, respectively.

legumes, seeded between August 15, 1935, and August 15, 1936: \$1.00.

2. Soybeans, or field peas, seeded between March 1, 1936, and August 15, 1936: \$1.50.
3. Red clover, crimson clover, vetch, or any legume mixture which contains at least 8 pounds of clover seed per acre, seeded between March 1, 1936, and August 15, 1936: \$2.00.
4. Any of the crops specified in (3) above, when not less than 500 pounds of ground limestone, or its equivalent,\* per acre is applied after March 1, 1936, and at or before the time of seeding: \$3.00.
5. Any of the crops specified in (3) above, when not less than 1,000 pounds of ground limestone, or its equivalent,\* per acre is applied after March 1, 1936, and at or before the time of seeding: \$4.00.

#### V. PLANTING FOREST TREES

Planting transplanted forest trees on crop or pasture land between March 1, 1936, and November 1, 1936: \$5.00.

#### SOIL BUILDING PRACTICES—CONNECTICUT

##### Practice and conditions—Payment per acre

##### I. IMPROVING ESTABLISHED GRASSES AND LEGUMES

Applying, between March 1, 1936, and December 1, 1936, not less than the following quantities of the following materials, or their equivalent,\* per acre on established grasses and legumes on pasture land, or in orchards:

1. 3,000 pounds of ground limestone and 500 pounds of 16 percent superphosphate: \$6.00 in Area A,\* \$7.00 in Area B.\*

##### II. ESTABLISHING NEW SEEDINGS OF GRASSES AND LEGUMES

Applying, between March 1, 1936, and September 10, 1936, and at or before the time of seeding, not less than the following quantities of the following materials, or their equivalent\* per acre on crop or pasture land, and seeding such land before September 10, 1936 to grass and legume mixtures containing at least 40 percent by weight of legume seeds, or to legumes.

When seeding is made without a nurse crop or with oats, barley, or a grain mixture as a nurse crop which is cut green or pastured sufficiently to prevent grain formation:

1. 2,000 pounds of ground limestone, 500 pounds of 16 percent superphosphate, and 100 pounds of 50 percent muriate of potash (seedings in pastures and orchards under this practice may be made with less than 40 percent by weight of legume seeds): \$8.00 in Area A, \$9.00 in Area B; or
2. 4,000 pounds of ground limestone, 500 pounds of 16 percent superphosphate, and 100 pounds of 50 percent muriate of potash (seedings in pastures and orchards under this practice may be made with less than 40 percent by weight of legume seeds): \$11.00 in Area A, \$13.00 in Area B; or
3. 2,000 pounds of ground limestone, 500 pounds of 16 percent superphosphate, and 100 pounds of 50 percent muriate of potash (this practice is applicable only to land seeded to alfalfa or to grass and legume mixtures containing at least 40 percent by weight of alfalfa seed): \$9.00 in Area A, \$10.00 in Area B; or
4. 4,000 pounds of ground limestone, 500 pounds of 16 percent superphosphate, and 100 pounds of 50 percent muriate of potash (this practice is applicable only to land seeded to alfalfa or grass and legume mixtures containing at least 40 percent by weight of alfalfa seed): \$12.00 in Area A, \$14.00 in Area B; or
5. 6,000 pounds of ground limestone, 500 pounds of 16 percent superphosphate, and 100 pounds of 50 percent muriate of potash (this practice is applicable only to land seeded to alfalfa or grass and legume mixtures containing at least 40 percent by weight of alfalfa seed): \$15.00 in Area A, \$18.00 in Area B.

When seeding is made with oats, barley, or a grain mixture as a nurse crop which is allowed to mature as grain:

6. 2,000 pounds of ground limestone, 500 pounds of 16 percent superphosphate, and 100 pounds of 50 percent muriate of potash (seedings in pastures and orchards under this practice may be made with less than 40 percent by weight of legume seeds): \$8.00 in Area A, \$9.50 in Area B; or
7. 4,000 pounds of ground limestone, 500 pounds of 16 percent superphosphate, and 100 pounds of 50 percent muriate of

\*Equivalent quantities of other materials may be substituted for ground limestone, 16 percent superphosphate, or 50 percent muriate of potash: *Provided*, The quantities of the other materials so substituted contain not less than the quantities (by weight) of calcium or magnesium oxide, phosphoric acid, and potash contained in the quantities herein specified of ground limestone, 16 percent superphosphate, and 50 percent muriate of potash, respectively.

\*"Area A" includes the following townships in Fairfield County: Bethel, Brookfield, Danbury, Easton, New Fairfield, Newtown, Redding, Ridgefield, Weston, and Wilton; and the following townships in Litchfield County: Canaan, Colebrook, Cornwall, Goshen, Norfolk, North Canaan, Salisbury, Sharon, Torrington, and Winchester. "Area B" includes all other townships in Fairfield and Litchfield counties, and all other counties in the State.



potash (seedings in pastures and orchards under this practice may be made with less than 40 percent by weight of legume seeds): \$3.50 in Area A, \$10.00 in Area B; or

8. 2,000 pounds of ground limestone, 500 pounds of 16 percent superphosphate, and 100 pounds of 50 percent muriate of potash (this practice is applicable only to land seeded to alfalfa or to grass and legume mixtures containing at least 40 percent by weight of alfalfa seed): \$6.50 in Area A, \$7.50 in Area B; or
9. 4,000 pounds of ground limestone, 500 pounds of 16 percent superphosphate, and 100 pounds of 50 percent muriate of potash (this practice is applicable only to land seeded to alfalfa or grass and legume mixtures containing at least 40 percent by weight of alfalfa seed): \$9.00 in Area A, \$11.00 in Area B; or
10. 6,000 pounds of ground limestone, 500 pounds of 16 percent superphosphate, and 100 pounds of 50 percent muriate of potash (this practice is applicable only to land seeded to alfalfa or grass and legume mixtures containing at least 40 percent by weight of alfalfa seed): \$12.00 in Area A, \$15.00 in Area B.

### III. GROWING GREEN MANURE CROPS

Plowing or discing under any of the following crops as green manure, between March 1, 1936, and November 1, 1936, after the crop has attained at least two months' growth:

1. Rye, oats, barley, annual grasses, mixtures of these, or mixtures of any of these with legumes, seeded between August 15, 1935, and August 15, 1936: \$1.00.
2. Soybeans, or field peas, seeded between March 1, 1936, and August 15, 1936: \$1.50.
3. Red clover, crimson clover, vetch, or any legume mixture which contains at least 8 pounds of clover seed per acre, seeded between March 1, 1936, and August 15, 1936: \$2.00.
4. Any of the crops specified in (3) above, when not less than 500 pounds of ground limestone, or its equivalent,<sup>7</sup> per acre is applied after March 1, 1936, and at or before the time of seeding: \$3.00 in Area B, \$2.75 in Area A.
5. Any of the crops specified in (3) above, when not less than 1,000 pounds of ground limestone, or its equivalent,<sup>7</sup> per acre is applied after March 1, 1936, and at or before the time of seeding: \$3.50 in Area A, \$4.00 in Area B.

### IV. PLANTING FOREST TREES

Planting transplanted forest trees on crop or pasture land between March 1, 1936, and November 1, 1936: \$5.00.

### SOIL BUILDING PRACTICES—NEW YORK

#### Practice and conditions—Payment per acre

#### I. IMPROVING ESTABLISHED GRASSES AND LEGUMES

Applying, between March 1, 1936, and December 1, 1936, not less than the following quantities of the following materials, or their equivalent,<sup>8</sup> per acre on established grasses and legumes on pasture land:

1. 500 pounds of 16 percent superphosphate: \$3.00; or
2. 500 pounds of 16 percent superphosphate, and either 1 pound of wild white clover seed, or 25 pounds of "Cornell Pasture Mixture" seed: \$4.00; or
3. 2,000 pounds of ground limestone: \$3.50; or
4. 2,000 pounds of ground limestone, and either 1 pound of wild white clover seed, or 25 pounds of "Cornell Pasture Mixture" seed: \$4.50; or
5. 2,000 pounds of ground limestone, and 500 pounds of 16 percent superphosphate: \$6.50; or
6. 2,000 pounds of ground limestone, 500 pounds of 16 percent superphosphate, and either 1 pound of wild white clover seed, or 25 pounds of "Cornell Pasture Mixture" seed: \$7.50.

#### II. ESTABLISHING NEW SEEDINGS OF GRASSES AND LEGUMES

Applying, between March 1, 1936, and December 1, 1936, and at or before the time of seeding, not less than the following quantities of the following materials, or their equivalent,<sup>9</sup> per acre on crop or pasture land, and seeding such land before December 1, 1936, to grass and legume mixtures containing at least 40 percent by weight of legume seeds, or to legumes.

<sup>7</sup> Equivalent quantities of other materials may be substituted for ground limestone, 16 percent superphosphate, or 50 percent muriate of potash: *Provided*, The quantities of the other materials so substituted contain not less than the quantities (by weight) of calcium or magnesium oxide, phosphoric acid, and potash contained in the quantities herein specified of ground limestone, 16 percent superphosphate, and 50 percent muriate of potash, respectively.

<sup>8</sup> Equivalent quantities of other materials may be substituted for ground limestone, 16 percent superphosphate, 16 percent nitrate of soda, or 50 percent muriate of potash: *Provided*, The quantities of the other materials so substituted contain not less than the quantities (by weight) of calcium or magnesium oxide, phosphoric acid, nitrogen, and potash contained in the quantities herein specified of ground limestone, 16 percent superphosphate, 16 percent nitrate of soda, and 50 percent muriate of potash, respectively.

When seeding is made without a nurse crop or with oats, barley, or a grain mixture as a nurse crop which is cut green or pastured sufficiently to prevent grain formation:

1. 2,000 pounds of ground limestone: \$3.50; or
2. 4,000 pounds of ground limestone: \$7.00; or
3. 400 pounds of 16 percent superphosphate: \$4.00; or
4. 200 pounds of 16 percent superphosphate and 100 pounds of 50 percent muriate of potash: \$4.00; or
5. 2,000 pounds of ground limestone and 400 pounds of 16 percent superphosphate: \$7.50; or
6. 2,000 pounds of ground limestone, 200 pounds of 16 percent superphosphate, and 100 pounds of 50 percent muriate of potash: \$7.50; or
7. 4,000 pounds of ground limestone and 400 pounds of 16 percent superphosphate: \$11.00; or
8. 4,000 pounds of ground limestone, 200 pounds of 16 percent superphosphate, and 100 pounds of 50 percent muriate of potash: \$11.00.

When seeding is made with oats, barley, or a grain mixture as a nurse crop which is allowed to mature as grain:

9. 2,000 pounds of ground limestone: \$2.50; or
10. 4,000 pounds of ground limestone: \$5.00; or
11. 400 pounds of 16 percent superphosphate: \$3.00; or
12. 200 pounds of 16 percent superphosphate and 100 pounds of 50 percent muriate of potash: \$3.00; or
13. 2,000 pounds of ground limestone and 400 pounds of 16 percent superphosphate: \$5.50; or
14. 2,000 pounds of ground limestone, 200 pounds of 16 percent superphosphate, and 100 pounds of 50 percent muriate of potash: \$5.50; or
15. 4,000 pounds of ground limestone and 400 pounds of 16 percent superphosphate: \$8.50; or
16. 4,000 pounds of ground limestone, 200 pounds of 16 percent superphosphate, and 100 pounds of 50 percent muriate of potash: \$8.50.

### III. GROWING GREEN MANURE CROPS

Plowing or discing under any of the following crops as green manure between March 1, 1936, and November 1, 1936, after the crop has attained at least two months' growth:

1. Rye, oats, barley, annual grasses, mixtures of these, or mixtures of any of these with legumes, seeded between August 15, 1935, and August 15, 1936: \$1.00.
2. Soybeans, or field peas, seeded between March 1, 1936, and August 15, 1936: \$1.50.
3. Red clover, crimson clover, vetch, or any legume mixture which contains at least 8 pounds of clover seed per acre, seeded between March 1, 1936, and August 15, 1936: \$2.00.
4. Any of the crops specified in (3) above, when not less than 500 pounds of ground limestone, or its equivalent,<sup>9</sup> per acre is applied after March 1, 1936, and at or before the time of seeding: \$2.75.
5. Any of the crops specified in (3) above, when not less than 1,000 pounds of ground limestone, or its equivalent,<sup>9</sup> per acre is applied after March 1, 1936, and at or before the time of seeding: \$3.50.

### IV. CONTROLLING WIND EROSION

Planting windbreaks on muck or sandy soil between March 1, 1936, and December 1, 1936:

1. Windbreaks of shrubs: \$5.00; or
2. Windbreaks of grain mixtures, not harvested: \$1.00.

### V. PLANTING FOREST TREES

Planting transplanted forest trees on crop or pasture land between March 1, 1936, and November 1, 1936: \$5.00.

### VI. MULCHING ORCHARDS

Applying not less than five tons per acre of mulching material to orchards between March 1, 1936, and November 1, 1936, and, in addition, leaving in the orchard all materials produced therein during this period from interplanted crops: \$5.00.

### SOIL BUILDING PRACTICES—NEW JERSEY

#### Practice and conditions—Payment per acre

#### I. IMPROVING ESTABLISHED GRASSES AND LEGUMES

Applying, between March 1, 1936, and December 1, 1936, not less than the following quantities of the following materials, or their equivalent,<sup>10</sup> per acre on established grasses and legumes on pasture land, or in orchards:

1. 500 pounds of 16 percent superphosphate: \$3.00; or
2. 500 pounds of 16 percent superphosphate and 150 pounds of 50 percent muriate of potash: \$4.50; or
3. 1,000 pounds of ground limestone and 500 pounds of 16 percent superphosphate: \$4.50; or

<sup>10</sup> Equivalent quantities of other materials may be substituted for ground limestone, 16 percent superphosphate, or 50 percent muriate of potash: *Provided*, The quantities of the other materials so substituted contain not less than the quantities (by weight) of calcium or magnesium oxide, phosphoric acid, and potash contained in the quantities herein specified of ground limestone, 16 percent superphosphate, and 50 percent muriate of potash, respectively.

4. 1,000 pounds of ground limestone, 500 pounds of 16 percent superphosphate, and 150 pounds of 50 percent muriate of potash: \$6.00; or
5. 2,000 pounds of ground limestone and 500 pounds of 16 percent superphosphate: \$6.00; or
6. 2,000 pounds of ground limestone, 500 pounds of 16 percent superphosphate, and 150 pounds of 50 percent muriate of potash: \$7.50.

#### II. ESTABLISHING NEW SEEDINGS OF GRASSES AND LEGUMES

Applying, between March 1, 1936, and October 1, 1936, and at or before the time of seeding, not less than the following quantities of the following materials, or their equivalent,<sup>10</sup> per acre on crop or pasture land, and seeding such land before October 1, 1936, to grass and legume mixtures containing at least 40 percent by weight of legume seeds, or to legumes.

When seeding is made without a nurse crop or with oats, barley, or a grain mixture as a nurse crop which is cut green or pastured sufficiently to prevent grain formation:

1. 500 pounds of 16 percent superphosphate (this practice is not applicable to pasture seedings): \$5.00; or
2. 2,000 pounds of ground limestone, and 500 pounds of 16 percent superphosphate (this practice is not applicable to pasture seedings): \$8.00; or
3. 4,000 pounds of ground limestone and 500 pounds of 16 percent superphosphate (this practice is not applicable to pasture seedings): \$11.00; or
4. 1,000 pounds of ground limestone, 500 pounds of 16 percent superphosphate, and 100 pounds of 50 percent muriate of potash (this practice is applicable only to pasture seedings): \$7.50; or
5. 2,000 pounds of ground limestone, 500 pounds of 16 percent superphosphate, and 100 pounds of 50 percent muriate of potash: \$9.00; or
6. 4,000 pounds of ground limestone, 500 pounds of 16 percent superphosphate, and 100 pounds of 50 percent muriate of potash: \$12.00; or
7. 6,000 pounds of ground limestone, 500 pounds of 16 percent superphosphate, and 100 pounds of 50 percent muriate of potash: \$15.00.

(NOTE.—Practices II, 5, 6, and 7 are applicable only to land seeded to alfalfa or to grass and legume mixtures containing at least 40 percent by weight of alfalfa seed, except that Practices II, 5, and 6 are applicable also to pasture land seeded or other grass and legume mixtures.)

When seeding is made with oats, barley, or a grain mixture as a nurse crop which is allowed to mature as grain:

8. 500 pounds of 16 percent superphosphate (this practice is not applicable to pasture seedings): \$3.50; or
9. 2,000 pounds of ground limestone, and 500 pounds of 16 percent superphosphate (this practice is not applicable to pasture seedings): \$6.00; or
10. 4,000 pounds of ground limestone, and 500 pounds of 16 percent superphosphate (this practice is not applicable to pasture seedings): \$8.00; or
11. 1,000 pounds of ground limestone, 500 pounds of 16 percent superphosphate, and 100 pounds of 50 percent muriate of potash (this practice is applicable only to pasture seedings): \$5.00; or
12. 2,000 pounds of ground limestone, 500 pounds of 16 percent superphosphate, and 100 pounds of 50 percent muriate of potash: \$6.50; or
13. 4,000 pounds of ground limestone, 500 pounds of 16 percent superphosphate, and 100 pounds of 50 percent muriate of potash: \$9.00; or
14. 6,000 pounds of ground limestone, 500 pounds of 16 percent superphosphate, and 100 pounds of 50 percent muriate of potash: \$12.00.

NOTE.—Practices II 12, 13, and 14 are applicable only to land seeded to alfalfa or to grass and legume mixtures containing at least 40 percent by weight of alfalfa seed, except that Practices II, 12 and 13 are applicable also to pasture land seeded to other grass and legume mixtures.

#### III. GROWING GREEN MANURE CROPS

Plowing or discing under any of the following crops as green manure, between March 1, 1936, and November 1, 1936, after the crop has attained at least two months' growth:

1. Rye, oats, barley, annual grasses, mixtures of these, or mixtures of any of these with legumes, seeded between August 15, 1935, and August 15, 1936: \$1.00.
2. Soybeans, or cowpeas, seeded between March 1, 1936, and August 15, 1936: \$1.50.
3. Red clover, crimson clover, vetch, or any legume mixture which contains at least 8 pounds of clover seed per acre, seeded between March 1, 1936, and August 15, 1936: \$2.00.
4. Any of the crops specified in (3) above, when not less than 500 pounds of ground limestone, or its equivalent,<sup>10</sup> per

acre is applied after March 1, 1936, and at or before the time of seeding: \$2.75.

5. Any of the crops specified in (3) above, when not less than 1,000 pounds of ground limestone, or its equivalent,<sup>10</sup> per acre is applied after March 1, 1936, and at or before the time of seeding: \$3.50.

#### IV. PLANTING FOREST TREES

Planting transplanted forest trees on crop or pasture land between March 1, 1936, and November 1, 1936: \$5.00.

#### V. MULCHING ORCHARDS

Applying not less than two tons per acre of mulching material to orchards between March 1, 1936, and November 1, 1936, and, in addition, leaving in the orchard all materials produced therein during this period from interplanted crops: \$2.00.

Applying not less than five tons per acre of mulching material to orchards between March 1, 1936, and November 1, 1936, and, in addition, leaving in the orchard all materials produced therein during this period from interplanted crops: \$5.00.

#### SOIL BUILDING PRACTICES—PENNSYLVANIA

Practice and conditions—Payment per acre

##### I. IMPROVING ESTABLISHED GRASSES AND LEGUMES

Applying, between March 1, 1936, and December 1, 1936, not less than the following quantities of the following materials, or their equivalent,<sup>11</sup> per acre on established grasses and legumes on pasture land, or in orchards:

1. 2,000 pounds of ground limestone and 400 pounds of 16 percent superphosphate: \$5.50 in Area A, \$5.00 in Area B; or
2. 2,000 pounds of ground limestone, 300 pounds of 16 percent superphosphate, 100 pounds of 16 percent nitrate of soda, and 30 pounds of 50 percent muriate of potash: \$5.50 in Area A, \$5.00 in Area B; or
3. 2,000 pounds of ground limestone and 400 pounds of 16 percent superphosphate, applied with 6 tons of manure: \$5.50 in Area A, \$5.00 in Area B.

##### II. ESTABLISHING NEW SEEDINGS OF GRASSES AND LEGUMES

Applying, after March 1, 1936, and at or before the time of seeding, not less than the following quantities of the following materials, or their equivalent,<sup>12</sup> per acre on crop or pasture land; and seeding such land before September 1, 1936 (if pasture land) or before December 1, 1936 (if crop land) to grass and legume mixtures containing at least 40 percent by weight of legume seeds, or to legumes.

When seeding is made without a nurse crop or with oats, barley, or a grain mixture as a nurse crop which is cut green or pastured sufficiently to prevent grain formation:

1. Seeding land requiring no treatment: \$2.00; or
2. 300 pounds of 16 percent superphosphate: \$4.00; or
3. 2,000 pounds of ground limestone, and 300 pounds of 16 percent superphosphate: \$7.00 in Area A, \$6.50 in Area B; or
4. 4,000 pounds of ground limestone and 300 pounds of 16 percent superphosphate (this practice is applicable only to land seeded to alfalfa or to grass and legume mixtures containing at least 40 percent by weight of alfalfa seed): \$10.00 in Area A, \$9.00 in Area B.

When seedings is made with oats, barley, or a grain mixture as a nurse crop which is allowed to mature as grain:

5. Seeding land requiring no treatment (any grain may be used as a nurse crop under this practice II 6): \$1.00; or
6. 300 pounds of 16 percent superphosphate: \$3.00; or
7. 2,000 pounds of ground limestone and 300 pounds of 16 percent superphosphate: \$5.00 in Area A, \$4.50 in Area B; or
8. 4,000 pounds of ground limestone and 300 pounds of 16 percent superphosphate (this practice is applicable only to land seeded to alfalfa or to grass and legume mixtures containing at least 40 percent by weight of alfalfa seed): \$7.50 in Area A, \$6.50 in Area B.

##### III. GROWING GREEN MANURE CROPS

Plowing or discing under any of the following crops as green manure, between March 1, 1936 and November 1, 1936, after the crop has attained at least two months' growth:

1. Rye, oats, barley, annual grasses, mixtures of these, or mixtures of any of these with legumes, seeded between August 15, 1935, and August 15, 1936: \$1.00.
2. Soybeans, or cowpeas, seeded between March 1, 1936 and August 15, 1936: \$1.50.

<sup>10</sup> Equivalent quantities of other materials may be substituted for ground limestone, 16 percent superphosphate, 16 percent nitrate of soda, or 50 percent muriate of potash: *Provided*, The quantities of the other materials so substituted contain not less than the quantities (by weight) of calcium or magnesium oxide, phosphoric acid, nitrogen, and potash contained in the quantities herein specified of ground limestone, 16 percent superphosphate, 16 percent nitrate of soda, and 50 percent muriate of potash, respectively.

<sup>11</sup> "Area A" includes the following counties: Bradford, Cameron, Carbon, Forest, Lackawanna, Luzerne, McKean, Monroe, Pike, Potter, Schuylkill, Sullivan, Susquehanna, Tioga, Warren, Wayne, and Wyoming. "Area B" includes all other counties in the State.

<sup>10</sup> Equivalent quantities of other materials may be substituted for ground limestone, 16 percent superphosphate, or 50 percent muriate of potash: *Provided*, The quantities of the other materials so substituted contain not less than the quantities (by weight) of calcium or magnesium oxide, phosphoric acid, and potash contained in the quantities herein specified of ground limestone, 16 percent superphosphate, and 50 percent muriate of potash, respectively.

3. Red clover, crimson clover, vetch, or any legume mixture which contains at least 8 pounds of clover seed per acre, seeded between March 1, 1936 and August 15, 1936: \$2.00.
4. Any of the crops specified in (3) above, when not less than 500 pounds of ground limestone, or its equivalent,<sup>1</sup> per acre is applied after March 1, 1936, and at or before the time of seeding: \$2.75.
5. Any of the crops specified in (3) above, when not less than 1,000 pounds of ground limestone, or its equivalent,<sup>1</sup> per acre is applied after March 1, 1936, and at or before the time of seeding: \$3.50.

## IV. PLANTING FOREST TREES

Planting transplanted forest trees on crop or pasture land between March 1, 1936 and November 1, 1936: \$5.00.

APPROVAL BY SECRETARY OF AGRICULTURE, NORTHEAST REGION  
BULLETIN NO. 2

I. H. A. Wallace, Secretary of Agriculture, pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, hereby approve the foregoing Northeast Region Bulletin No. 2, and hereby authorize the issuance of such bulletin separately for each of the following States:

Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania.

As so issued for each such State, Northeast Region Bulletin No. 2 shall contain the soil building practices, rates, and conditions applicable under the foregoing Bulletin No. 2 to such State, and the name of such State in the following places on page 1 thereof: (1) after the designation "N. E. R. B. -2-"; (2) in the first paragraph, after the words "State of"; and (3) in Section 1, after the words "State of."

At the end of such bulletin as so issued for each State, there shall be affixed the testimonial, signature, and seal as affixed hereto.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 23rd day of April, 1936.

[SEAL]

H. A. WALLACE,  
Secretary of Agriculture.

[F. R. Doc. 411—Filed, April 24, 1936; 12:20 p. m.]

1936 AGRICULTURAL CONSERVATION PROGRAM—SOUTHERN REGION  
[Bulletin No. 2]

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, payments will be made, in connection with the effectuation of the purposes of section 7 (a) of said Act for 1936, and in accordance with the provisions of Part II, section 1, of Southern Region Bulletin No. 1, Revised (which revises and supersedes Southern Region Bulletin No. 1), and such other provisions as may hereafter be made.

The soil-building practices, rates and conditions of payment as set forth herein shall be applicable to each State in the Southern Region.

Practice	Rates and Conditions
<b>PART I. SEEDINGS<sup>1</sup></b>	
Group 1..... Alfalfa, sorghum, and kudzu.	\$2.00 per acre, when seeded on crop land between January 1, 1936, and October 31, 1936, inclusive.
Group 2..... Red clover, mammoth clover, sweet clover, and annual lespedeza.	\$1.50 per acre, when seeded on crop land between January 1, 1936, and October 31, 1936, inclusive.
Group 3..... Alsike, white, bur, and crimson clover, Austrian winter peas, vetch, and other locally adapted winter legumes. Legume mixtures. <sup>2</sup>	\$1.00 per acre, when seeded on crop land between January 1, 1936, and October 31, 1936, inclusive.

<sup>1</sup> These seedings may be made alone or in connection with perennial grasses; provided, however, that the amount of such legume seedings per acre is normal for the area and in accordance with practices approved by the State Agricultural Conservation Committee.

<sup>2</sup> Mixtures of legumes and nonlegumes which contain 50 percent or more of legumes in Group 3 will be eligible for payment of \$1.00 per acre.

<sup>3</sup> See footnote on page 271.

Practice	Rates and Conditions
<b>PART II. USE</b>	
Group 1..... Soybeans, velvet beans, cowpeas, crutalaria, beggar weed, and other locally adapted summer legumes.	\$1.50 per acre, if grown on crop land in 1936 and vines or stalk left on land and seed not harvested for oil mill crushing, or \$2.00 per acre if plowed under green.
Group 2..... Crimson clover, bur clover, Austrian winter peas, vetch and other locally adapted winter legumes.	\$1.50 per acre, when turned under between January 1, 1936, and October 31, 1936.
Group 3..... Rye, oats, barley, Italian rye grass, wheat, or mixtures of these.	\$1.00 per acre, when turned under as green manure after making reasonable growth (not less than two month's growth) in the spring of 1936, provided that such crops have not gone through the dough stage.
Group 4..... Any sorghum, Sudan grass, or millet, seeded solid or broadcast.	\$1.00 per acre, when seeded between January 1, 1936, and July 31, 1936, and all the crop is left on the land or plowed under.
<b>PART III. OTHER</b>	
1. Establishment of permanent pasture. Perennial grasses or grass and legume mixtures.	\$2.00 per acre, if established <sup>3</sup> on crop land between January 1, 1936, and October 31, 1936.
2. Planting of forest trees, including post-producing species.	\$5.00 per acre, if planted on crop land or pasture land between September 1, 1936, and October 31, 1936.
3. Terracing. Properly terracing land that needs terracing.	Forty cents per hundred feet of completed terrace, not to exceed \$2.00 per acre, if constructed according to the methods recommended by the State Agricultural Conservation Committee and approved by the Agricultural Adjustment Administration for the area involved.
4. Application of ground limestone or its equivalent. <sup>4</sup>	When applied according to practices approved by the State Agricultural Conservation Committee on soil-conserving crops or pastures between January 1, 1936, and October 31, 1936.
<b>Rate of application</b>	
Not less than 1,000 pounds per acre.	Rate of payment per acre: <sup>4</sup>
Not less than 2,000 pounds per acre.	\$0.70.
Not less than 3,000 pounds per acre.	1.40.
Not less than 4,000 pounds per acre.	2.10.
Not less than 5,000 pounds per acre.	2.50.
5. Application of 16 percent superphosphate or the equivalent. <sup>5</sup>	When applied according to practices approved by the State Agricultural Conservation Committee on soil-conserving crops or pastures excluding soybeans, cowpeas, velvet beans, peanuts, and annual grasses.
<b>Rate of application</b>	
Not less than 100 pounds per acre.	Rate of payment per acre:
Not less than 200 pounds per acre.	\$0.50.
Not less than 300 pounds per acre.	1.00.
Not less than 400 pounds per acre.	1.50.
Not less than 500 pounds per acre.	2.00.
	2.50.

<sup>3</sup> This will be determined in accordance with instructions issued by the Director of the Southern Division.

<sup>4</sup> The equivalent of 1,000 pounds of ground limestone would be considered as 600 pounds of burnt lime or 700 pounds of hydrated lime.

<sup>5</sup> In counties designated by the State committee and approved by the Secretary, a higher rate per acre may be paid if recommended by such committee and approved by the Secretary.

(a) If fertilizer material containing a different analysis than 16 percent of  $P_2O_5$  were used, the rate of the payment per 100 pounds would vary proportionately. Example: If the 48 percent superphosphate were used, the payment would be three times the rate specified, or \$1.50 per 100 pounds.

(b) If fertilizer material containing a different analysis than 16 percent of  $P_2O_5$  were used, the rate per acre of the application would vary proportionately. Example: For 48 percent superphosphate, one-third of the quantity specified for 16 percent  $P_2O_5$  would be required.

Soil-building payments for the practices set forth will not be made when the labor, seed, or materials are furnished or paid for by any State or Federal agency.

The soil-building practices listed herein shall be carried out in accordance with good farming practice, using such methods and such kinds and quantities of seeds, trees, and other materials as conform to good farming practice.

The State Committee, under supervision of the Director of the Southern Division of the Agricultural Adjustment Administration, will issue information and advice regarding the manner of carrying out the soil-building practices listed herein and as to whether the adoption of any such practice on particular types of farms would or would not constitute good farming practice for such farm.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 23rd day of April, 1936.

[SEAL]

H. A. WALLACE,  
Secretary of Agriculture.

[F. R. Doc. 412—Filed, April 24, 1936; 12:21 p. m.]



## 1936 AGRICULTURAL CONSERVATION PROGRAM—SOUTHERN REGION

[Bulletin No. 2, Supplement (a)]

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, payments will be made in connection with the effectuation of the purposes of section 7 (a) of said Act for 1936, and in accordance with the provisions of Part II, section 1, of Southern Region Bulletin No. 1, Revised (which revises and supersedes Southern Region Bulletin No. 1), and such other provisions as may hereafter be made.

The soil-building practices, rates, and conditions of payment and classification of soil-conserving crops as set forth herein shall be applicable only to counties in Texas and Oklahoma designated by the respective State Agricultural Conservation Committee and approved by the Agricultural Adjustment Administration.

1. Summer fallow practices as approved by the State Agricultural Conservation Committee in the respective States shall be considered a soil-conserving practice which may be substituted acre for acre in lieu of a soil-conserving crop.<sup>1</sup>

2. Alternate strips of sorghum and fallow, the sorghums to be planted either in strips approximately 2 rods in width and such strips not less than 8 or more than 10 rods apart or in single or double rows not less than 10 or more than 16 feet apart and stalks left on land as a protection against wind erosion shall be considered a soil-conserving practice which may be substituted acre for acre in lieu of a soil-conserving crop. If any soil-depleting crop is harvested from such strips the acreage actually covered by such strips shall be considered soil-depleting.

3. Any sorghum seeded solid or broadcast or sweet sorghum in rows when the crop is left on the land shall be considered a soil-conserving practice which may be substituted acre for acre in lieu of a soil-conserving crop.

4. Crop land in process of being restored to native pasture which is contour listed and sufficient natural cover maintained by withholding of all grazing to insure protection against wind erosion shall be considered a soil-conserving practice which may be substituted acre for acre in lieu of a soil-conserving crop.

*Soil-Building Practices*

Practices	Rates and conditions
Contour listing or furrowing.....	50 cents per acre—when done on crop or pasture land and furrows maintained throughout the growing season.

Soil-building payments for the practices set forth will not be made when the labor, seed, or materials are furnished or paid for by any State or Federal agency.

## SPECIAL RULING

The county committee shall have the authority to refuse to certify any applicant for a grant who, in their opinion, has been negligent and careless in his farming practices to the extent that his farm has become a wind-erosion hazard to the community in which it is located.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 23rd day of April 1936.

[SEAL]

H. A. WALLACE,  
Secretary of Agriculture.

[F. R. Doc. 413—Filed, April 24, 1936; 12:21 p. m.]

<sup>1</sup>State Agricultural Conservation Committee shall not (in the wind erosion area) approve summer fallow as a substitute for soil-conserving crops if not in combination with strip cropping, contour listing, or contour furrowing unless the county committee has made a special recommendation setting forth a fallow practice which may be so used in each case.

## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 24th day of April A. D. 1936.

Commissioners: Charles H. March, Chairman; Garland S. Ferguson, Jr., Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 2732]

## IN THE MATTER OF GARTEN TABLE PAD COMPANY, INC.

## ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony,

It is ordered that Joseph A. Simpson, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law.

It is further ordered that the taking of testimony in this proceeding begin on Thursday, May 7, 1936, at 10:00 o'clock in the forenoon of that day, daylight saving time, at Room 313, Old Post Office Building, Philadelphia, Pa.

Upon completion of testimony for the Federal Trade Commission, the Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The Examiner will then close the case and make his report.

By the Commission.

[SEAL]

OTIS B. JOHNSON, Secretary.

[F. R. Doc. 431—Filed, April 27, 1936; 9:31 a. m.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 22nd day of April A. D. 1936.

Commissioners: Charles H. March, Chairman; Garland S. Ferguson, Jr., Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 2602]

## IN THE MATTER OF ENGLANDER SPRING BED COMPANY, INC.

## ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony,

It is ordered that Charles F. Diggs, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Wednesday, April 29, 1936, at ten o'clock in the forenoon of that day (eastern daylight saving time), in room 901, 45 Broadway, New York.

Upon completion of testimony for the Federal Trade Commission the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL]

OTIS B. JOHNSON, Secretary.

[F. R. Doc. 432—Filed, April 27, 1936; 10:03 a. m.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 23rd day of April A. D. 1936.

Commissioners: Charles H. March, Chairman; Garland S. Ferguson, Jr., Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 2651]

## IN THE MATTER OF NEWARK FELT NOVELTY CO., INC., A CORPORATION

## ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony,

It is ordered that William C. Reeves, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law.

It is further ordered that the taking of testimony in this proceeding begin on Tuesday, April 28, 1936, at 10:00 o'clock, daylight saving time, in the forenoon of that day, at Room 500, 45 Broadway, New York City.

Upon completion of testimony for the Federal Trade Commission, the Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The Examiner will then close the case and make his report. By the Commission.

[SEAL] OTIS B. JOHNSON, Secretary.

[F. R. Doc. 433—Filed, April 27, 1936; 10:04 a. m.]

## INTERSTATE COMMERCE COMMISSION.

[Finance Docket No. 10165]

## CHICAGO, SOUTH SHORE &amp; SOUTH BEND RAILROAD REORGANIZATION

Attached hereto is a report and order issued by the Interstate Commerce Commission, Division 4, on April 16, 1936, approving a plan of reorganization in proceedings pending in the United States District Court for the Northern District of Indiana, South Bend Division, for the reorganization of the Chicago, South Shore & South Bend Railroad, debtor, No. 972, pursuant to the provisions of section 77 of the act of July 1, 1898, entitled "An Act to Establish a Uniform System of Bankruptcy Throughout the United States", as amended. This report and order set forth the plan of reorganization which will be certified to the court for approval and confirmation by the judge unless, upon petition for good cause shown filed with the Commission within 60 days of the date of the report and order, the Commission shall modify the same.

[SEAL] GEORGE B. MCGINTY, Secretary.

## ORDER

At a Session of the Interstate Commerce Commission, Division 4, held at its office in Washington, D. C., on the 16th day of April A. D. 1936:

A hearing and investigation of the matters and things involved in this proceeding having been had, and this Commission, having, on the date hereof, made and filed a report containing its findings of fact, its conclusions thereon, and a full statement of the reasons for its conclusions, which report is hereby referred to and made a part hereof:

It is hereby ordered, That the following plan of reorganization of the Chicago, South Shore & South Bend Railroad, debtor, be, and it is hereby approved:

A. The debtor shall execute and deliver to the First National Bank of Chicago, Ill., as trustee, a mortgage constituting a direct lien upon all its property now owned or hereafter acquired, excepting current assets, securities, cash and income, to secure two series of bonds to be designated series A, and series B, respectively.

B. The debtor shall acquire from the trustee under the equipment trust instruments heretofore executed by it, bearing date July 1, 1926, July 1, 1927, and April 1, 1929, title to the equipment described therein. The said equipment shall

be included with the other property of the debtor in the said mortgage to be given by the debtor.

C. The said mortgage shall provide, with respect to series-A bonds, issued thereunder, as follows: (1) Series-A bonds shall be a direct first lien upon all the property covered by the mortgage; (2) the authorized principal amount thereof outstanding at any time shall be limited to an amount which, together with the principal amount of all other funded debt then outstanding, shall not exceed fifty (50) percent of the amount of said debtor's investment in road and equipment at such time; (3) as long as any series-B bonds are outstanding in the hands of the public (i. e., of persons other than the Midland Utilities Company or the Midland United Company, or their successor or successors in interest), series-A bonds shall be issued only to obtain funds to be used for reasonably necessary improvements, replacements, relocations of the railroad's tracks or facilities within its present termini, or acquisition of other property in connection with the railroad as it now exists, without adding to or extending the railroad, the reasonable necessity for the expenditures of such funds, and/or the acquisition of such property to be shown by the certificate of a disinterested engineer satisfactory to the trustee under the said mortgage; (4) the interest rate, sinking fund, if any, and any other terms applicable to said series-A bonds shall be determined by the directors of said debtor at the time of issue; (5) the series-A bonds may be issued in subseries with different terms for the several subseries but all of such subseries of bonds shall be secured ratably by a common lien; (6) the restrictions contained in subparagraph (3) of this paragraph C upon the issue of said series-A bonds may, at any time, be waived, modified, or relaxed, with the written consent of the holders of not less than two thirds (2/3) of the series-B bonds issued under the same mortgage then outstanding in the hands of the public as above defined.

D. With respect to series-B bonds, the said mortgage shall provide as follows: (1) Series-B bonds shall be a direct lien upon all the property covered by the mortgage, subject only to the lien reserved to secure the series-A bonds if and when issued under the said mortgage; (2) the said series-B bonds shall be issued in exchange for the present outstanding equipment-trust certificates of the said debtor, par for par, to the extent of the principal amount of the said certificates, upon surrender by the holders thereof of said certificates and all unmatured dividend warrants appertaining thereto; (3) the authorized principal amount of the said series-B bonds shall be equal to the aggregate face amount of all equipment-trust obligations of said debtor now outstanding (i. e., \$1,341,000), shall bear interest at the rate of 3 percent per annum payable semiannually and shall mature in 25 years after the date of issue; (4) the denominations of the series-B bonds shall be \$1,000, \$500, and \$100, and the said debtor shall agree to pay any normal Federal income taxes up to 2 percent per annum, which it may be required to pay or retain on account of such bond interest, and to reimburse any holder of the bonds for the Pennsylvania 4 mills tax paid by such holder; *Provided, however,* that if and as long as the said debtor is not permitted or required to deduct and pay such Federal income tax, it will agree to reimburse any holder of the said series-B bonds for the Federal income tax paid by the holder thereof up to 2 percent of the interest received by such holder upon such bonds upon proof of payment by affidavit and claim for reimbursement made within 60 days.

E. The said mortgage shall further provide, as to said series-B bonds: (1) for a sinking fund, (payments to be made if earned after first paying all operating expenses, taxes, interest on bonds outstanding, and a provision for \$84,000 per annum for depreciation), for the retirement of series-B bonds aforesaid, said sinking fund, if not earned in any year to be cumulative from year to year, an earnings permit, and to amount in the first year to 3 percent of the total authorized amount of the series-B bonds (i. e., \$40,230), the annual amount thereof to increase from year to year by the same amount that interest on such bonds decreases from year to year on account of retirement thereof, so that the total annual amount of the interest and sinking fund

<sup>1</sup> The report was filed with the Division of the Federal Register; requests for copies should be directed to the Interstate Commerce Commission for consideration.

combined on such bonds shall (so far as net earnings permit, as to the sinking fund) be 6 percent of the face value of the total authorized amount of the said series-B bonds (i. e., \$80,460), the amount set aside annually in the sinking funds as determined by the foregoing formula not to be reduced by reason of purchase of any bonds at a discount; (2) for an additional contingent sinking fund for retirement of the series-B bonds, the terms of which are set forth hereinafter in paragraph L; (3) that the moneys in the sinking fund may be used by the trustee for the purchase of the said series-B bonds on offers thereof and the trustee shall, if necessary, advertise for offers in a daily newspaper in Chicago and Philadelphia; (4) if enough of said series-B bonds are not acquired in this manner within a reasonable period, then the said trustee shall use the moneys in the said sinking funds for redemption of the series-B bonds in the manner hereinafter provided; and (5) all series-B bonds acquired by the sinking funds shall be canceled.

F. The said mortgage shall further provide; (1) that the maturity of the series-B bonds shall be accelerated to correspond with any earlier maturity date for said series-A bonds, and all outstanding series-B bonds in the hands of the public (as above defined) shall become immediately due and payable, whenever any of said series-A bonds shall become due and payable, either at maturity, or by acceleration upon default, or otherwise, or by call for voluntary redemption; *Provided, however,* That if an earlier maturity date than twenty-five (25) years be so established for said series-A bonds the sinking-fund provisions for the series-B bonds shall likewise be so modified as to provide for the retirement thereof at or before such new maturity date and no sinking fund shall be provided for said series-A bonds which would operate more rapidly toward their retirement than the minimum sinking fund for said series-B bonds; *Provided, further,* That the holders of not less than two thirds ( $\frac{2}{3}$ ) in amount of the said series-B bonds then outstanding in the hands of the public (as above defined) may, at any time by written consent, waive the above provisions of this paragraph or any of them; and (2) that series-B bonds shall be subject to redemption at par and accrued interest at any time on publication once each week, for three consecutive weeks, in a newspaper of general circulation published in Chicago, and a like publication in Philadelphia, the first such publication thereof to be not less than thirty (30) days prior to the date of redemption.

G. Money heretofore and hereafter paid by said debtor to the First National Bank of Chicago by way of rental for the use of the said equipment shall be distributed to the holders of the equipment-trust certificates aforesaid in lieu of dividends up to the date of issue of the said series-B bonds. The said debtor at the time of issue of series-B bonds shall pay into the said bank for distribution among the said certificate holders such additional amount as shall bring such distributed moneys up to an amount equal to 3 percent per annum upon the several issues of the said certificates from the dates of the last payment of dividend warrants thereon, to the date of the issuance of the said series-B bonds, so that in such distribution each certificate holder shall receive an amount equal to 3 percent per annum upon the face value of his certificate from the date of the last payment of dividends thereon to the date of issuance of the series-B bonds; *Provided, however,* That such distribution shall be made only upon surrender of all overdue and unpaid dividend warrants then outstanding, and shall be accepted by the said holders of such warrants in full satisfaction thereof.

H. Claims allowed and classified as class 1 shall be paid by the delivery to the creditors of the promissory notes of the debtor due on or before five years after date with interest at the rate of 5 percent per annum payable semiannually.

I. All claims allowed amounting to \$1,000 and less each, and all sums for services, costs of administration, and other allowances made by the court, expenses, court costs, and attorney's fees incurred in, and incident to this reorganization, shall be paid out of cash on hand.

J. The Midland Utilities Company and other holders of allowed claims against the debtor classified as class 4, of more than \$1,000 in amount shall receive in satisfaction thereof, and in exchange for the evidences thereof, new first preferred stock in shares of \$100 par value each for each \$100 of the amounts of such debts as of the time of the issuance of the stock. The remaining amount less than \$100 of each claim shall be paid in cash by the debtor. The first preferred stock shall be preferred as to assets over all other stock of the debtor issued in this reorganization or otherwise and shall be entitled to noncumulative dividends in preference thereto at the rate of \$5 a share each year or such portion thereof as may be earned. Such dividends shall be payable annually out of the debtor's available net earnings in the preceding calendar year which, so long as any series-B bonds are outstanding, shall be computed in the manner hereinafter described in paragraph L hereof. Any such annual dividend even though earned in the preceding calendar year shall nevertheless be payable only at the discretion of, and upon declaration by, the board of directors of the debtor. Nonpayment in whole or in part of any such annual dividend shall not operate to cause an accumulation of the amount of the same or of the unpaid portion thereof in favor of the holders of the shares of the first preferred stock, as against the holders of other issues of stock to be issued under this plan or otherwise. No dividend shall be paid in any year upon other issues of stock to be issued by the debtor under this plan or otherwise unless and until dividends of \$5 for that year shall have been paid upon the first preferred stock. The first preferred stock shall be nonparticipating; and may be called for retirement at \$107 a share. Each share shall be entitled to one vote.

K. The outstanding class A preferred stock (consisting of 19,476 shares of no par value) shall be exchanged, share for share, for second preferred stock of \$100 a share par value entitled to dividends in preference over the common stock, to be issued under this plan or otherwise, at the rate of \$6.50 a share each year. Such dividends shall be payable annually out of the available net earnings of the debtor in the preceding calendar year which, so long as any series-B bonds are outstanding, shall be computed in the manner hereinafter described in paragraph L hereof. Any such annual dividend, even though earned in the preceding calendar year, shall nevertheless be payable only in the discretion of, and upon declaration by, the board of directors of the debtor. Nonpayment in whole or in part of any such annual dividend shall not operate to cause an accumulation of the amount of the same or of the unpaid portion thereof in favor of the holders of the shares of the second preferred stock as against the holders of the common stock to be issued under this plan or otherwise. The holders of the second preferred stock shall be further entitled to participate ratably, share for share, in any dividend which may at any time be paid upon the common stock. No dividend shall be paid upon the second preferred stock unless and until, for the same dividend period, dividends at the rate of 5 percent shall have been paid upon the first preferred stock. The second preferred stock shall be callable for retirement at \$107 a share but only after all series-B bonds and first preferred stock shall have been retired. Each share shall be entitled to one vote.

L. As long as any series-B bonds are outstanding, dividends upon the stock issued in this reorganization shall be considered as earned when and to the extent that they are available under the following method of computation: Any net annual earnings remaining after payment of interest and sinking-fund requirements of any series-A bonds aforesaid which may be outstanding, interest and the sinking fund hereinbefore provided in paragraph E hereof for series-B bonds, any amounts disbursed by the debtor during the year under consideration in payment of the promissory notes provided for in paragraph H hereof, and any other interest requirements of the debtor, and the accumulated net deficit of previous years, if any, shall be available for payment of dividends up to \$3 a share upon the said first preferred stock.

Any excess of such net earnings remaining after payment of the \$3 dividend on the said first preferred stock shall be applied (1) one half thereof to the trustee under the mortgage securing the series-B bonds as an additional sinking fund for the retirement of said bonds, and (2) the other one half of the said net earnings to be available for additional dividends on the said first preferred stock, the total dividends thereon, however, not to exceed \$5 a share in any year, any excess thereof to be available to the debtor for the payment of dividends upon the second preferred stock, and any remainder for any proper corporate purposes.

M. The class B preferred stock now outstanding, consisting of 29,000 shares, shall be exchanged, share for share, for new common stock without par value.

N. The present common stock now outstanding, consisting of 465,000 shares, shall be exchanged for new common stock of no par value on the basis of five shares of the old stock for one share of the new common stock.

O. Acceptance of the plan shall include acceptance of the additional provisions of bonds, mortgages, notes, stock certificates, deeds of conveyance and release, and all other instruments necessary and appropriate to the carrying out of the plan, other than the orders of the court and this Commission, to the same effect as though the terms of such instruments were set forth in full herein, and in like manner any necessary and appropriate amendments of the charter and by-laws of the debtor;

P. The carrying out of the plan shall be as provided in the act;

*It is further ordered*, That nothing herein contained shall be, or be construed as, a grant of authority for the issue of any securities, assumption of obligations, transfer of any property, sale, consolidation, or merger of the debtor's property, or pooling of traffic, pursuant to either the Bankruptcy Act or the Interstate Commerce Act, until further action by this Commission upon confirmation of the plan by the court; and

*It is further ordered*, That the conditions of this approval of a plan of reorganization for the Chicago, South Shore & South Bend Railroad shall be, and they are declared to be, such that the foregoing plan shall, before certification, by this Commission to the court for its approval, be subject to modification in a supplemental report and order upon petition for good cause shown filed within 60 days from the date hereof.

By the Commission, division 4.

[SEAL] GEORGE B. MCGINTY, Secretary.

[F. R. Doc. 427—Filed, April 25, 1936; 10:55 a. m.]

[Finance Docket No. 10810]

#### COPPER RANGE RAILROAD COMPANY REORGANIZATION

Attached hereto is a report and order issued by the Interstate Commerce Commission, Division 4, on April 7, 1936, approving a plan of reorganization in proceedings pending in the United States District Court for the Western District of Michigan, Northern Division, for the reorganization of the Copper Range Railroad Company, debtor, No. 1132, pursuant to the provisions of section 77 of the act of July 1, 1898, entitled "An Act to Establish a Uniform System of Bankruptcy Throughout the United States", as amended. This report and order set forth the plan of reorganization which will be certified to the court for approval and confirmation by the judge unless, upon petition for good cause shown filed with the Commission within 60 days of the date of the report and order, the Commission shall modify the same.

[SEAL] GEORGE B. MCGINTY, Secretary.

#### ORDER

At a Session of the Interstate Commerce Commission, Division 4, held at its office in Washington, D. C., on the 7th day of April A. D. 1936.

<sup>1</sup> The report was filed with the Division of the Federal Register; requests for copies should be directed to the Interstate Commerce Commission for consideration.

A hearing and investigation of the matters and things involved in this proceeding having been had, and this Commission, having, on the date hereof, made and filed a report containing its findings of fact, its conclusions thereon and a full statement of the reasons for its conclusions, which report is hereby referred to and made a part hereof:

*It is hereby ordered*, That the following plan of reorganization of the Copper Range Railroad Company, debtor, be, and it is hereby approved:

A. The outstanding first-mortgage bonds of the debtor, due October 1, 1949, shall be exchanged for preferred stock of \$100 a share par value, to be issued by the debtor, on the basis of 10 shares of said preferred stock for each \$1,000 par value bond. Said preferred stock shall be entitled to noncumulative dividends at the rate of \$5 a share each year or such portion thereof as may be earned, payable only in units of one-half of 1 percent or multiples thereof. Said preferred stock and the right to dividends thereon shall have a preference in respect of the debtor's earnings over the debtor's common stock and the right to dividends thereon, and a preference amounting to its par value in respect of the assets of the debtor over the common stock in case of future liquidation of the debtor's business. Dividends on said preferred stock shall be payable out of net income of the preceding calendar year, which shall be computed in the manner prescribed in our applicable classification of income, profit and loss, and general balance sheet accounts for steam roads. Said preferred stock shall have equal voting power and privileges with the common stock, and shall be redeemable by the debtor in whole or in part on any dividend payment date at par, plus any unpaid dividends. Any net income of the debtor in any year, equal to or less than 5 percent of the par value of the authorized preferred stock, remaining after payment of any dividend for the year on said preferred stock, shall be set aside in a fund to be used for the redemption of said preferred stock, and for no other purpose. Said requirement shall not preclude the debtor's directors from setting aside in the fund for redemption of said preferred stock more than the percentage stated.

B. No mortgage may be placed on the debtor's property without the consent of the holders of two-thirds of its outstanding preferred stock.

C. The Copper Range Company shall surrender to the debtor 11,400 shares of the debtor's common stock. The par value of all the debtor's common stock shall be reduced from \$100 to \$50 a share. In addition to preferred stock, the holders of the debtor's first-mortgage bonds shall receive in exchange therefor 5 shares of common stock, \$50 a share par value, issued by the debtor for each \$1,000 par value bond held. The authority of the debtor's board of directors to declare or pay dividends on said common stock shall be restricted so as to preclude such dividends until all of said preferred stock has been redeemed and retired.

D. All the debtor's first-mortgage bonds shall be retired and canceled, and the mortgage of record securing the payment of said bonds shall be released and canceled.

E. Acceptance of the plan shall include acceptance of the provisions of stock certificates, and all instruments necessary and appropriate to the carrying out of the plan, other than the orders of the court and this Commission, to the same effect as though the terms of such instruments were set forth in full herein, and in like manner any necessary and appropriate amendments of the charter and by-laws of the debtor;

F. The carrying out of the plan shall be as provided in the act;

*It is further ordered*, That nothing herein contained shall be, or be construed as, a grant of authority for the issue of any securities, assumption of obligations, transfer of any property, sale, consolidation, or merger of the debtor's property, or pooling of traffic, pursuant to either the Bankruptcy Act or the Interstate Commerce Act, until further action by this Commission upon confirmation of the plan by the court.

By the Commission, division 4.

[SEAL]

GEORGE B. MCGINTY, Secretary.

[F. R. Doc. 426—Filed, April 25, 1936; 10:54 a. m.]

## NATIONAL LABOR RELATIONS BOARD.

[Rules and Regulations—Series 1—As Amended]

## GENERAL RULES AND REGULATIONS

By virtue of the authority vested in it by the National Labor Relations Act, approved July 5, 1935, the National Labor Relations Board hereby issues the following Rules and Regulations—Series 1—as amended (General Rules and Regulations), which it finds necessary to carry out the provisions of said Act. Said Rules and Regulations—Series 1—as amended shall become effective upon the signing of the original by the members of the Board and upon the publication thereof in the FEDERAL REGISTER, and shall supersede the Rules and Regulations—Series 1—as amended (General Rules and Regulations) signed by the Board on April 15, 1935,<sup>1</sup> which are hereby rescinded. The Rules and Regulations—Series 1—as amended (General Rules and Regulations) shall be in force and effect until amended or rescinded by rules and regulations hereafter made and published by the Board.

Signed at Washington, D. C., this 27th day of April 1936.

J. WARREN MADDEN, *Chairman*.  
JOHN M. CARMODY, *Member*.  
EDWIN S. SMITH, *Member*.

## ARTICLE I. DEFINITIONS

SECTION 1. The terms "person", "employer", "employee", "representatives", "labor organization", "commerce", "affecting commerce", and "unfair labor practice", as used herein, shall have the meanings set forth in Section 2 of the National Labor Relations Act, a copy of which Act is appended hereto.

SECTION 2. The term "Act" as used herein shall mean the National Labor Relations Act, and the term "Board" shall mean the National Labor Relations Board.

SECTION 3. The term "Region" as used herein shall mean that part of the United States or any Territory thereof fixed by the Board as a particular Region.

SECTION 4. The term "Regional Director" as used herein shall mean the agent designated by the Board as Regional Director for a particular Region.

SECTION 5. The term "Trial Examiner" as used herein shall mean the Board, its member, agent or agency conducting the hearing.

SECTION 6. The term "State" as used herein shall include all States, Territories, and possessions of the United States and the District of Columbia.

## ARTICLE II. PROCEDURE UNDER SECTION 10 OF THE ACT FOR THE PREVENTION OF UNFAIR LABOR PRACTICES

## Charge

SECTION 1. A charge that any person has engaged in or is engaging in any unfair labor practice affecting commerce may be made by any person or labor organization. A charge may be withdrawn only with the consent of the Regional Director with whom such charge was filed or of the Board. Upon withdrawal of any charge, the Regional Director shall dismiss any complaint based thereon.

SECTION 2. Except as provided in Section 37 of this Article, such charge shall be filed with the Regional Director for the Region in which the alleged unfair labor practice has occurred or is occurring. A charge alleging that an unfair labor practice has occurred or is occurring in two or more Regions may be filed with the Regional Director for any of such Regions.

SECTION 3. Such charge shall be in writing, the original being signed and sworn to before any notary public or any agent of the Board authorized to administer oaths or acknowledgments. Three additional copies of such charge shall be filed. A blank form for making a charge will be supplied by the Regional Director upon request.

SECTION 4. Such charge shall contain the following:

(a) The full name and address of the person or labor organization making the charge.

(b) The full name and address of the person against whom the charge is made (hereinafter referred to as "respondent").

(c) A clear and concise statement of the facts constituting the alleged unfair labor practice affecting commerce, particularly stating the names of the individuals involved and the time and place of occurrence.

## Complaint

SECTION 5. After a charge has been filed, if it appears to the Regional Director that a proceeding in respect thereto should be instituted, he shall issue and cause to be served upon respondent and the person or labor organization making the charge (hereinafter referred to as the "parties to the proceeding") a formal complaint in the name of the Board stating the charges and containing a notice of hearing before a Trial Examiner at a place therein fixed and at a time not less than five days after the service of the complaint. A copy of the charge shall be attached to the complaint.

SECTION 6. Upon his own motion or upon proper cause shown by any of the parties to the proceeding the Regional Director issuing the complaint may extend the date of such hearing.

SECTION 7. Any such complaint may be amended by the Trial Examiner or the Board in his or its discretion at any time prior to the issuance of an order based thereon, upon such terms as may be deemed just.

SECTION 8. Any such complaint may be withdrawn before the hearing by the Regional Director on his own motion.

SECTION 9. If, after the charge has been filed, the Regional Director declines to issue and cause to be served a complaint, the person or labor organization making the charge may obtain a review of such action by filing a request therefor with the Board in Washington, D. C., and filing a copy of such request with the Regional Director.

## Answer

SECTION 10. Respondent shall have the right, within five days from the service of the complaint, to file an answer thereto. Such answer shall contain a short and simple statement of the facts which constitute the grounds of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state, such statement operating as a denial. Any allegation in the complaint not specifically denied in the answer, unless respondent shall state in the answer that respondent is without knowledge, shall be deemed to be admitted to be true and may be so found by the Board.

SECTION 11. Such answer shall be filed with the Regional Director issuing the complaint. Such answer shall be in writing, the original being signed and sworn to by respondent or by a duly authorized agent with appropriate power of attorney affixed, and shall contain the post office address of respondent. Respondent shall file three additional copies of the answer for the use of the Board. Immediately upon filing his answer, respondent shall serve a copy thereof upon each of the other parties to the proceeding.

SECTION 12. Upon his own motion or upon proper cause shown by respondent the Regional Director issuing the complaint may by written order extend the time within which the answer shall be filed.

SECTION 13. In any case where a complaint has been amended respondent shall have an opportunity to amend his answer within such period as may be fixed by the Trial Examiner if he amends the complaint, or by the Board if it amends the complaint.

## Motions

SECTION 14. All motions made previous to or subsequent to the hearing shall be filed in writing with the Regional Director issuing the complaint, and shall briefly state the

<sup>1</sup> 1 F. R. 207.



order or relief applied for and the grounds for such motion. The moving party shall file an original and three additional copies of all such motions for the use of the Board. Immediately upon filing such motion, the moving party shall serve a copy thereof upon each of the other parties to the proceeding. All motions made at the hearing (except motions to intervene, as provided in Section 19 of this Article) shall be stated orally and included in the stenographic report of the hearing.

SECTION 15. The Trial Examiner designated to conduct the hearing shall rule upon all motions (except as provided in Sections 6, 12, and 19 of this Article). The Trial Examiner may, before the hearing, rule on motions filed previous to the hearing, and shall file his ruling, and any order in connection therewith, with the Regional Director issuing the complaint. The Regional Director shall cause copies thereof to be served upon the parties to the proceeding. Rulings on motions, and any orders in connection therewith, if announced at the hearing, shall be stated orally and included in the stenographic report of the hearing; in all other cases they shall be issued in writing and filed with the Regional Director, who shall cause a copy of the same to be served upon each of the parties to the proceeding, or shall be contained in the Intermediate Report. Whenever the Trial Examiner has reserved his ruling on any motion, and the proceeding is thereafter transferred to and continued before the Board pursuant to Section 37 of this Article, the Board shall rule on such motion.

SECTION 16. All motions, rulings, and orders shall become part of the record in the proceeding, and rulings and orders claimed to be substantially prejudicial shall be reviewed by the Board, upon request made for such review, in conjunction with the Board's consideration of the Intermediate Report.

SECTION 17. If any motion in the nature of a motion to dismiss the complaint is granted by the Trial Examiner, the party making the charge may obtain a review of such action by filing a request therefor with the Board in Washington, D. C., stating the grounds for review, and filing a copy of such request with the Regional Director and the other parties to the proceeding. Unless such request for review is filed within ten days from the date of the order of dismissal, the case shall be considered closed. The Board may, upon motion made within a reasonable period and for good cause shown, reopen the record for further proceedings.

SECTION 18. The right to make motions or to make objection to rulings upon motions shall not be deemed waived by the filing of an answer or by other participation in the proceedings before the Trial Examiner or the Board.

#### *Intervention*

SECTION 19. Any person or labor organization desiring to intervene in any proceeding shall file a motion in writing with the Regional Director issuing the complaint setting out the grounds upon which such person or organization claims to be interested. The original of such motion shall be signed and sworn to by the person or labor organization filing the motion, who shall file three additional copies of such motion for the use of the Board. Immediately upon filing such motion the moving party shall serve a copy thereof upon each of the other parties to the proceeding. The Regional Director shall rule upon all such motions filed prior to the hearing, and the Trial Examiner shall rule upon all such motions filed at the hearing, in the manner set forth in Section 15 of this Article. The Regional Director or the Trial Examiner, as the case may be, may by order permit intervention in person or by counsel to such extent and upon such terms as he shall deem just. The Regional Director shall cause a copy of said ruling to be served upon each of the parties to the proceeding.

#### *Witnesses and Subpenas*

SECTION 20. Witnesses shall be examined orally under oath, except that for good and exceptional cause the Trial Examiner may permit their testimony to be taken by deposition under oath. Any such deposition shall be taken in accord-

ance with the procedural requirements for the taking of depositions provided by the law of the State in which the hearing is pending.

SECTION 21. Any member of the Board may issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence, including books, records, correspondence, or documents that relate to any matter under investigation or in question, before the Board, its member, agent, or agency, conducting the hearing or investigation. Applications for the issuance of such subpoenas may be filed by any party to the proceeding with the Regional Director, or, during the hearing, with the Trial Examiner. Such applications shall be timely and shall specify the name of the witness and the nature of the facts to be proved by him, and must specify the documents, the production of which is desired, with such particularity as will enable them to be identified for purposes of production.

SECTION 22. Witnesses summoned before the Trial Examiner shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance the witnesses appear and the person taking the deposition shall be paid by the party at whose instance the deposition is taken.

#### *Hearing*

SECTION 23. The hearing for the purpose of taking evidence upon a complaint shall be conducted by a Trial Examiner specifically designated by the Board, by the Chief Trial Examiner, or by the Regional Director. At any time a Trial Examiner may be designated to take the place of the Trial Examiner previously designated to conduct the hearing. Such hearing shall be public, unless otherwise ordered by the Trial Examiner.

SECTION 24. It shall be the duty of the Trial Examiner to inquire fully into the facts as to whether respondent has engaged in or is engaging in an unfair labor practice affecting commerce as set forth in the complaint or amended complaint. Counsel for the Board, and the Trial Examiner, shall have power to call, examine, and cross-examine witnesses and to introduce into the record documentary or other evidence.

SECTION 25. Any party to the proceeding shall have the right to appear at such hearing in person, by counsel or otherwise, to call, examine and cross-examine witnesses, and to introduce into the record documentary or other evidence.

SECTION 26. In any such proceeding the rules of evidence prevailing in courts of law or equity shall not be controlling.

SECTION 27. In any such proceeding stipulations of fact may be introduced in evidence with respect to any issue.

SECTION 28. Any objection with respect to the conduct of the hearing, including any objection to the introduction of evidence, shall be stated orally, together with a short statement of the grounds of such objection, and included in the stenographic report of the hearing. No such objection shall be deemed waived by further participation in the proceeding.

SECTION 29. Any party to the proceeding shall be entitled to a reasonable period at the close of the hearing for oral argument, which shall not be included in the stenographic report of the hearing unless the Trial Examiner so directs. The parties shall be entitled to file briefs or written statements only with permission of the Trial Examiner.

SECTION 30. In the discretion of the Trial Examiner, the hearing may be continued from day to day or adjourned to a later date or to a different place, by announcement thereof at the hearing by the Trial Examiner or by other appropriate notice.

SECTION 31. Contemptuous conduct at any hearing before a Trial Examiner or before the Board shall be ground for exclusion from the hearing. The refusal of a witness at any such hearing to answer any question which has been ruled to be proper shall be ground for the striking out of all testimony previously given by such witness on related matters.

*Intermediate Report and Transmisison of Case to the Board*

SECTION 32. After a hearing for the purpose of taking evidence upon a complaint, the Trial Examiner shall prepare an Intermediate Report, which he shall file with the Regional Director issuing the complaint, who will thereafter transmit the original of the Intermediate Report to the Board in Washington, D. C., and cause a copy thereof to be served upon each of the parties to the proceeding. Such report shall contain (a) findings of fact, separately stated and numbered, and (b) recommendations as to what disposition of the case should be made, which may include, if it be found that respondent has engaged in or is engaging in the alleged unfair labor practice, a recommendation as to what affirmative action should be taken by respondent to bring about a condition in harmony with the law.

SECTION 33. Thereafter the Regional Director issuing the complaint shall forward to the Board in Washington, D. C., the charge, complaint, amended complaint, notice of hearing, answer, amended answer, motions, rulings, orders, the stenographic report of the hearing, stipulations, exhibits, documentary evidence, and depositions, all of which, together with the Intermediate Report and exceptions, shall constitute the record in the case.

*Exceptions to the Record and Intermediate Report*

SECTION 34. If any party desires to take an exception to the Intermediate Report or to any other part of the record (including rulings upon all motions or objections), he shall within ten days from the date of service of the Intermediate Report file with the Board at Washington, D. C., four copies of a statement in writing setting forth such exceptions. Immediately upon the filing of the statement of exceptions the party filing the same shall serve a copy thereof upon each of the other parties to the proceeding. Upon proper cause shown, the Board may extend the period within which to file a statement of exceptions.

SECTION 35. No matter not included in a statement of exceptions may thereafter be objected to before the Board, and failure to file a statement of exceptions shall operate as submission of the case to the Board on the record and the Intermediate Report.

*Procedure Before the Board*

SECTION 36. Where the Trial Examiner has found in his Intermediate Report that the respondent has engaged in or is engaging in unfair labor practices affecting commerce, the Board may, upon the expiration of the period for filing a statement of exceptions, as provided in Section 34 of this Article, decide the matter forthwith upon the record, or after the filing of briefs or oral argument, or may reopen the record and receive further evidence, or require the taking of further evidence before a member of the Board or other agent or agency, or may make other disposition of the case. The Board shall notify the parties of the time and place for any such submission of briefs, oral argument or taking of further evidence.

Where the Trial Examiner has found in his Intermediate Report that respondent has not engaged in and is not engaging in unfair labor practices affecting commerce, and no exceptions have been filed within the period for filing a statement of exceptions, as provided in Section 34 of this Article, the case shall be considered closed. The Board may, upon motion made within a reasonable period and upon proper cause shown, reopen the record for further proceedings in accordance with this Section.

SECTION 37. Whenever the Board deems it necessary in order to effectuate the purposes of the Act, it may permit a charge to be filed with it, in Washington, D. C., or may, at any time after a charge has been filed with a Regional Director pursuant to Section 2 of this Article, order that such charge, and any proceeding which may have been instituted in respect thereto.

(a) be transferred to and continued before it, for the purpose of consolidation with any proceeding which may have been instituted by the Board, or for any other purpose; or

(b) be consolidated for the purpose of hearing, or for any other purpose, with any other proceeding which may have been instituted in the same Region; or

(c) be transferred to and continued in any other Region, for the purpose of consolidation with any proceeding which may have been instituted in or transferred to such other Region, or for any other purpose.

The provisions of Sections 3 to 31, inclusive, of this Article shall, in so far as applicable, apply to proceedings before the Board pursuant to this Section, and the powers granted to Regional Directors in such provisions shall, for the purpose of this Section, be reserved to and exercised by the Board. After the transfer of any charge and any proceeding which may have been instituted in respect thereto from one Region to another pursuant to this Section, the provisions of Sections 3 to 36, inclusive, of this Article shall apply to such charge and such proceeding as if the charge had originally been filed in the Region to which the transfer is made.

SECTION 38. After a hearing for the purpose of taking evidence upon the complaint in any proceeding over which the Board has assumed jurisdiction in accordance with Section 37 of this Article, the Board may

(a) direct that the Trial Examiner prepare an Intermediate Report, in which case the provisions of Sections 32 to 36, inclusive, of this Article shall in so far as applicable govern subsequent procedure, and the powers granted to Regional Directors in such provisions shall for the purpose of this Section be reserved to and exercised by the Board; or

(b) decide the matter forthwith upon the record, or after the filing of briefs or oral argument; or

(c) reopen the record and receive further evidence, or require the taking of further evidence before a member of the Board, or other agent or agency; or

(d) make other disposition of the case.

The Board shall notify the parties of the time and place of any such submission of briefs, oral argument, or taking of further evidence.

## ARTICLE III. PROCEDURE UNDER SECTION 9 (C) OF THE ACT FOR THE INVESTIGATION AND CERTIFICATION OF REPRESENTATIVES

SECTION 1. A petition requesting the Board to investigate and certify under Section 9 (c) of the Act the name or names of the representatives designated or selected for the purpose of collective bargaining may be filed by any employee or any person or labor organization acting on his behalf (hereinafter referred to as "petitioner"). Except as provided in Section 10 of this Article, such petition shall be filed with the Regional Director for the Region wherein the contemplated bargaining unit exists, or, if the contemplated bargaining unit exists in two or more Regions, with the Regional Director for any of such Regions. Such petition shall be in writing, the original being signed and sworn to before any notary public or any agent of the Board authorized to administer oaths or acknowledgments. Three additional copies of the petition shall be filed. A blank form for filing such a petition will be supplied by the Regional Director upon request.

SECTION 2. Such petition shall contain the following:

(a) The name and address of petitioner.

(b) The name and address of the employer or employers involved, the general nature of their businesses, and the approximate number of their employees.

(c) A description of the bargaining unit claimed to be appropriate, the approximate number of employees therein, the number and classifications of employees which the representatives on whose behalf the petition is filed claim to represent, the names of any other known individuals or labor organizations who claim to represent any of the employees in the alleged bargaining unit.

(d) A brief statement setting forth the nature of the question or controversy affecting commerce that has arisen concerning representation.

(e) Any other relevant facts.

SECTION 3. If it appears to the Board that an investigation should be instituted it shall so direct and (except as pro-

vided in Section 10 of this Article) shall authorize the Regional Director to undertake such investigation, and to provide for an appropriate hearing upon due notice, either in conjunction with a proceeding instituted pursuant to Section 5 of Article II of these Rules and Regulations, or otherwise. The Regional Director shall thereupon proceed with such investigation and in connection therewith shall prepare and cause to be served upon petitioners, upon the employer or employers involved and upon any known individuals or labor organizations purporting to act as representatives of any employees directly affected by such investigation (all of whom are hereinafter referred to as "the parties to the proceeding"), a notice of hearing upon the question of representation before a Trial Examiner at a time and place fixed therein. A copy of the petition shall be served with such notice of hearing.

SECTION 4. All matters relating to motions, interventions, witnesses, and subpoenas shall be governed by the provisions of Sections 14 to 22, inclusive, of Article II of these Rules and Regulations.

SECTION 5. The hearing upon the question of representation shall be conducted by a Trial Examiner specially designated by the Board, by the Chief Trial Examiner, or by the Regional Director, and shall be open to the public unless otherwise ordered by the Trial Examiner. At any time a Trial Examiner may be designated to take the place of the Trial Examiner previously designated to conduct the hearing. It shall be the duty of the Trial Examiner to inquire fully into the question of representation. Counsel for the Board, and the Trial Examiner, shall have power to call, examine and cross-examine witnesses, and to introduce into the record documentary and other evidence.

SECTION 6. The introduction of evidence at the hearing and the rights of the parties to the proceeding shall be governed by Sections 25 to 31, inclusive, of Article II of these Rules and Regulations.

SECTION 7. Upon the close of the hearing the Regional Director shall forward to the Board in Washington, D. C., the petition, notice of hearing, motions, rulings, orders, the stenographic report of the hearing, stipulations, exhibits, documentary evidence, and depositions, all of which shall constitute the record in the proceeding.

SECTION 8. The Board shall thereupon proceed, either forthwith upon the record, or after oral argument or the submission of briefs, or after further hearing, as it may determine, to certify to the parties to the proceeding the name or names of the representatives that have been designated or selected, or to direct a secret ballot of the employees in order to complete the investigation, or to make other disposition of the matter.

SECTION 9. Where the Board determines that a secret ballot should be taken it shall direct such ballot to be conducted by a designated agent upon such terms as it may specify. Upon conclusion of such ballot the agent conducting the ballot shall prepare an Intermediate Report containing a tally of the ballots, his findings and recommendations, which he shall cause to be served upon the parties to the proceeding. Within five days thereafter the parties to the proceeding may file with the Regional Director any objection to the ballot or the Intermediate Report. If it appears to the Regional Director that any such objection raises a substantial and material issue with respect to the conduct of the ballot he shall issue and cause to be served upon the parties a notice of hearing on said objections before a Trial Examiner. Said Trial Examiner shall consider such objections raised to said ballot and shall prepare and file with the Regional Director a report containing findings and recommendations with respect thereto. Thereafter the Regional Director shall forward to the Board in Washington, D. C., the Intermediate Report of the agent conducting the ballot, the objections filed thereto, the notice of hearing, motions, rulings, orders, the stenographic report of the hearing, stipulations, exhibits, documentary evidence, and depositions, all of which, together with the record previously made, shall constitute the record in the case. The Board shall thereupon proceed as set forth in Section 8 of this Article.

If no objection raising a substantial and material issue with respect to the conduct of the ballot is filed to the Intermediate Report of the agent conducting the ballot the Regional Director shall forward directly to the Board in Washington, D. C., the Intermediate Report, which, together with the record previously made, shall constitute the record in the case. The Board shall thereupon proceed as set forth in Section 8 of this Article.

SECTION 10. Whenever the Board deems it necessary in order to effectuate the purposes of the Act, it may

(a) permit a petition requesting an investigation and certification to be filed with it, and may upon the filing of such petition proceed to conduct an investigation under Section 9 (c) of the Act, or direct any Regional Director, or other agent or agency, to conduct such an investigation; or

(b) upon its own motion conduct, or direct any member, Regional Director, or other agent or agency to conduct an investigation under Section 9 (c) of the Act; or

(c) at any time after a petition has been filed with a Regional Director pursuant to Section 1 of this Article, order that such petition, and any proceeding which may have been instituted in respect thereto

(1) be transferred to and continued before it, for the purpose of consolidation with any proceeding which may have been instituted by the Board, or for any other purpose; or

(2) be consolidated, for the purpose of hearing, or for any other purpose, with any other proceeding which may have been instituted in the same Region; or

(3) be transferred to and continued in any other Region for the purpose of consolidation with any proceeding which may have been instituted in such other Region, or for any other purpose.

The provisions of this Article shall, in so far as applicable, apply to proceedings conducted pursuant to subsection (a), (b), and (c) (1) of this Section, and the powers granted to Regional Directors in such provisions shall for the purpose of this Section be reserved to and exercised by the Board, or by the Regional Director, or other agent or agency directed to conduct the investigation. After the transfer of any petition and any proceeding which may have been instituted in respect thereto from one Region to another pursuant to subsection (c) (3) of this Section, the provisions of this Article shall apply to such proceeding as if the Board had originally directed that the investigation be conducted in the Region to which the transfer is made.

#### ARTICLE IV. DESIGNATION OF REGIONAL DIRECTORS, EXAMINERS, AND ATTORNEYS AS AGENTS OF THE BOARD

SECTION 1. All Regional Directors now or hereafter in the employ of the Board are herewith designated by the Board as its agents:

(a) To prosecute any inquiry necessary to the functions of the Board, in accordance with Section 5 of the Act.

(b) To investigate concerning the representation of employees (including the taking of secret ballots of employees) and conduct hearings in connection with such investigations, in accordance with Section 9 (c) of the Act.

(c) To issue and cause to be served complaints, to amend complaints, and to conduct hearings upon such complaints, in accordance with Section 10 (b) of the Act.

(d) To have access to and the right to copy evidence, to administer oaths and affirmations, to examine witnesses, and to receive evidence, in accordance with Section 11 (1) of the Act.

SECTION 2. All Examiners now or hereafter in the employ of the Board are herewith designated by the Board as its agents:

(a) To prosecute any inquiry necessary to the functions of the Board, in accordance with Section 5 of the Act.

(b) To investigate concerning the representation of employees (including the taking of secret ballots of employees), in accordance with Section 9 (c) of the Act.

(c) To have access to and the right to copy evidence, and to administer oaths and affirmations, in accordance with Section 11 (1) of the Act.

SECTION 3. All Attorneys now or hereafter in the employ of the Board are herewith designated by the Board as its agents:

(a) To prosecute any inquiry necessary to the functions of the Board, in accordance with Section 5 of the Act.

(b) To investigate concerning the representation of employees (including the taking of secret ballots of employees) and conduct hearings in connection with such investigation, in accordance with Section 9(c) of the Act.

(c) To amend complaints issued under Section 10(b) of the Act and to conduct hearings upon complaints issued in accordance with Section 10(b) of the Act.

(d) To have access to and the right to copy evidence, to administer oaths and affirmations, to examine witnesses, and to receive evidence, in accordance with Section 11 (1) of the Act.

SECTION 4. The foregoing designations shall not be construed to limit the power of the Board to make such special designation of agents as may in its discretion be necessary or proper to effectuate the purposes of the Act.

#### ARTICLE V. SERVICE OF PAPERS

SECTION 1. Complaints, orders, and other process and papers of the Board, its member, agent, or agency, may be served personally, or by registered mail, or by telegraph, or by leaving a copy thereof at the principal office or place of business of the person required to be served. The verified return by the individual so serving the same, setting forth the manner of such service, shall be proof of the same, and the return post office receipt or telegraph receipt therefor when registered and mailed or telegraphed as aforesaid shall be proof of service of the same.

SECTION 2. Service of papers by a party on other parties shall be made by registered mail or in any manner provided for the service of papers in a civil action by the law of the State in which the hearing is pending. When service is made by registered mail, the return post-office receipt shall be proof of service. When service is made in any manner provided by such law, proof of service shall be made in accordance with such law.

#### ARTICLE VI. CERTIFICATION AND SIGNATURE OF DOCUMENTS

SECTION 1. The Secretary of the Board, or in the event of his absence or disability, the Assistant Secretary of the Board, shall certify copies of all papers and documents which are a part of any of the files or records of the Board as may be necessary or desirable from time to time.

SECTION 2. The Secretary of the Board, or in the event of his absence or disability, the Assistant Secretary of the Board, is hereby authorized to sign all orders of the Board and sign and issue all complaints authorized to be issued by the Board.

#### ARTICLE VII. CONSTRUCTION OF RULES

SECTION 1. These Rules and Regulations shall be liberally construed to effectuate the purposes and provisions of the Act.

#### ARTICLE VIII. AMENDMENTS

SECTION 1. Any rule or regulation may be amended or rescinded by the Board at any time.

[F. R. Doc. 434—Filed, April 27, 1936; 10:36 a. m.]

### SECURITIES AND EXCHANGE COMMISSION.

#### SECURITIES ACT OF 1933

##### RULES RELATING TO FILING OF REGISTRATION STATEMENT

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933, as amended, particularly Sections 7 and 19 (a) thereof, and finding that the rule hereby adopted will provide disclosure fully adequate in the public interest and for the protection of investors, and that such rule is necessary and appropriate in the public interest and for the protection of

investors, hereby adopts the following rule under the Securities Act of 1933:

**RULE 508. Incorporation of Answer to Item in Registration of Guarantee.**—Any issuer filing a registration statement for the registration of a guarantee of any security may incorporate by reference the answer to any item contained in a registration statement concurrently filed for the registration of the guaranteed security.

The foregoing rule shall be effective immediately upon publication.

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933, as amended, particularly Sections 7 and 19 (a) thereof, and finding that the information specified in Schedule B of the Act which is permitted by the rule hereby adopted to be omitted from any registration statement in respect of a specified class of issuers is inapplicable to such class, and that disclosure fully adequate for the protection of investors is otherwise required to be included in the registration statement; and that any information not specified in Schedule B which is required by such rule to be set forth in the registration statement is necessary and appropriate in the public interest and for the protection of investors; and that the rule hereby adopted is necessary to carry out the provisions of the Act and is necessary and appropriate in the public interest and for the protection of investors, hereby adopts the following rule under the Securities Act of 1933:

**RULE 781. Information to be Furnished under Paragraph (3) of Schedule B.**—Any issuer filing a registration statement pursuant to Schedule B of the Act need not furnish the detailed information specified in paragraph (3) as to issues of outstanding funded debt the aggregate amount of which outstanding is less than five per cent of the total funded debt outstanding and to be created by the security to be offered, provided that the amount thereof is included in the statement of the total amount of funded debt outstanding, and provided further that a statement is made as to the title, amount outstanding, rate of interest, and date of maturity of each such issue.

The foregoing rule shall be effective immediately upon publication.

[SEAL]

FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 428—Filed, April 25, 1936; 11:56 a. m.]

#### HOLDING COMPANY ACT

##### EXEMPTIONS FROM SECTION 9 (A) (2)

The Securities and Exchange Commission, acting pursuant to the authority granted by the Public Utility Holding Company Act of 1935, particularly Section 3 (d) thereof, and finding such action necessary and appropriate in the public interest and for the protection of investors and consumers and not contrary to the purposes of said Act, hereby repeals Rule 9A2-4, as promulgated December 31, 1935, and amends Rule 9A2-3, as amended January 23, 1936, to read as follows:

**RULE 9A2-3. Exemptions from Section 9 (a) (2).**—(a) Subject to the provisions of paragraph (d) of this Rule, any company shall be exempt from any obligation, duty, or liability imposed on such company as an affiliate by Section 9 (a) (2) with respect to the acquisition of any security of a public-utility company, provided that the acquiring company and the company which is the issuer of the security acquired are organized under the laws of the same State and that the following conditions are satisfied with respect to the acquiring company and the issuing company:

(1) of the aggregate utility assets owned, controlled, or operated by such company and by all subsidiary companies thereof, not more than 5 per cent in value are located outside the State under the laws of which such company is organized, and not more than 5 per cent in value are owned, controlled, or operated by any subsidiary company or companies organized under the laws of any other State; and

(2) the total revenues from sales of electric energy by such company and its subsidiary public-utility companies; if any to purchasers outside of such State of organization or sold at the State line (exclusive of intercompany sales) together with the total cost of electric energy bought by such company and such subsidiaries from sellers outside of such State or bought at the State line for transmission into the State (exclusive of intercompany purchases) have not, during any one of the last three fiscal years, exceeded 5 per cent of the total revenues of such company and such subsidiaries, on a consolidated basis, from sales of electric energy during such fiscal year.

(b) Subject to the provisions of paragraph (d) of this Rule, any person (including a company not exempt under paragraph (a) of this Rule) shall be exempt from any obligation, duty, or liability imposed on such person as an affiliate by Section 9 (a) (2) with respect to the acquisition of any security of a public-utility company, provided that, upon completion of such acquisition, neither such person nor any company of which it is a subsidiary company will, directly or indirectly, own, control, or hold, 10 per cent or more of the class of securities so acquired, and that any one of the following additional conditions is satisfied:

(1) neither such person nor any company of which it is a subsidiary company will, directly or indirectly, own, control, or hold with power to vote, 10 per cent or more of the outstanding voting securities of any public-utility or holding company; or

(2) all public-utility or holding companies of which such person will, directly or indirectly, own, control, or hold with power to vote, 10 percent or more of the outstanding voting securities, are organized under the laws of a single State (under the laws of which the acquiring person, if a company, is also organized) and meet the conditions specified in sub-paragraphs (1) and (2) of paragraph (a) of this Rule; or

(3) such person is exempted as a holding company or has been declared not to be a holding company by rule or rule under Section 2 (a) (7) or 3 (a), or by virtue of the filing in good faith of an application for such order.

(c) Subject to the provisions of paragraph (d) of this Rule, any person (including a company not exempt under paragraph (a) or (b) of this Rule) shall be exempt from any obligation, duty, or liability imposed on such person as an affiliate by Section 9 (a) (2) with respect to the acquisition of any security of a public-utility company if, on completion of such acquisition, such person will not, directly or indirectly, own, control, or hold with power to vote, 5 percent or more of the outstanding voting securities of any company the principal business of which, in the United States, is that of a public-utility company.

(d) This Rule shall not be construed as providing any exemption from Section 4, Section 9 (a) (1), or any provision of the Act other than Section 9 (a) (2). The exemption provided by this Rule shall not be applicable to any unregistered holding company other than a company which has been declared not to be a holding company or is exempted as such by order or rule under Section 2 (a) (7) or Section 3 (a) or by virtue of the filing in good faith of an application for such order; and shall not be applicable to any subsidiary company thereof other than a company which has applied in good faith for an order declaring it not to be a subsidiary thereof.

(e) Within 30 days after any acquisition with respect to which the acquiring person is exempt under paragraph (a) or paragraph (b) of this Rule, such person shall file with the Commission a statement identifying the security or securities acquired and the person from whom they have been acquired, stating the amount acquired and the amount of all securities of the issuer which the acquiring person, directly or indirectly, owned, controlled, or held with power to vote, upon completion of the acquisition, and briefly explaining the facts relied upon to bring the acquisition within the exemption provided by this Rule. Such report need not be filed with

respect to any acquisition with respect to which the acquiring person is exempt under paragraph (c) of this Rule. No form is prescribed for such statement. One original only need be filed. If acknowledgment is desired, a duplicate should also be filed.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 435—Filed, April 27, 1936; 12:34 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 24th day of April 1936.

Commissioners: James M. Landis, Chairman; George C. Mathews, Robert E. Healy, J. D. Ross, William O. Douglas.

[File No. 2-1837]

IN THE MATTER OF NEWMAN DICK MINING AND DEVELOPING COMPANY

STOP ORDER

This matter coming on to be heard by the Commission on the registration statement of Newman Dick Mining and Developing Company, 9 Allen Avenue, Kirkland Lake, Ontario, Canada, after confirmed telegraphic notice by the Commission to said registrant that it appears that said registration statement contains untrue statements of material facts and fails to state material facts required to be stated therein and fails to state material facts necessary to make the statements therein not misleading, and upon the evidence received upon the allegations made in the notice of hearing duly served by the Commission on said registrant, and the Commission having duly considered the matter, and finding that said registration statement contains untrue statements of material facts and omits to state material facts required to be stated and material facts necessary to make statements made not misleading, all as more fully set forth in the Commission's Findings of Fact and Opinion in this matter this day issued, and being now fully advised in the premises, and the registrant having consented to the entry of a stop order.

It is ordered, pursuant to Section 8 of the Securities Act of 1933, as amended, that the effectiveness of the registration statement filed by Newman Dick Mining and Developing Company, 9 Allen Avenue, Kirkland Lake, Ontario, Canada, be and the same hereby is suspended.

By direction of the Commission,

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 436—Filed, April 27, 1936; 12:35 p. m.]

Wednesday, April 29, 1936

No. 33

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

WR-B-2—California—1

Issued April 27, 1936

1936 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

[Bulletin No. 2—California—1]

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, Western Region Bulletin No. 1, Revised, is hereby supplemented with respect to its application to the State of California, but not otherwise, as follows:

SECTION 1. *Soil-Building Practices and Rates of Payment.*—In accordance with the provisions of Section 1, Part II of Western Region Bulletin No. 1, Revised, and subject to the conditions of said bulletin, payment will be made for the